

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/26/12
TO SPE OF : ART UNIT 1771
SUBJECT : Request for Certificate of Correction for Appl. No.: 12070339 Patent No.: 7960325

CofC mailroom date: 02/15/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the claims be approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

UNITED STATES PATENT AND TRADEMARK OFFICE



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

HOWARD K. SHAPIRO, PH.D.
APT. F-32
214 PRICE AVENUE
NARBERTH PA 19072

MAILED

MAR 23 2012

OFFICE OF PETITIONS

In re Application of :
Howard K. Shapiro :
Application No. 12/070,518 : **DECISION ON PETITION**
Filed: February 20, 2008 :
Attorney Docket No. P1011-4D :

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2012 revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

With regards to item (3,) a grantable petition pursuant to 37 CFR 1.137(b) must include the required statement signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
- (5) All of the applicants (§§ 1.42.1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Petitioner has submitted a petition under 37 CFR 1.137(b), however, the petition as signed cannot be accepted since Richard Dirocco is not authorized to sign the instant petition. Further,

petitioner has not established that the person who signed the petition form is authorized to sign on behalf of the patentee(s), assignee, or other party of interest. Additionally, a review of USPTO records reveals no record of an assignment in the above-identified application.

Consequently, the petition under 37 CFR 1.137(b), cannot be accepted at this time. A renewed petition with the proper signature as listed above is required.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Richard Dirocco
 907 Edgewood Lane
 Langhorne, Pennsylvania 19053

UNITED STATES PATENT AND TRADEMARK OFFICE



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HOWARD K. SHAPIRO, PH.D.
APT. F-32
214 PRICE AVENUE
NARBERTH PA 19072

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of :
Howard K. Shapiro :
Application No. 12/070,518 : **DECISION ON PETITION**
Filed: February 20, 2008 :
Attorney Docket No. P1011-4D :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2012, as required by the Notice of Allowance and Fee(s) Due mailed October 17, 2011. Accordingly, the date of abandonment of this application is January 18, 2012. A Notice of Abandonment was mailed February 3, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870.00 and the publication fee of \$300.00 (both previously submitted February 17, 2012), (2) the petition fee of \$930.00 (previously submitted February 17, 2012); and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,521	02/19/2008	Cameron C. McIntyre	12637/160	1016
7590 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER MEHTA, PARIKHA SOLANKI	
01/31/2011			ART UNIT 3737	
			MAIL DATE 01/31/2011	
			DELIVERY MODE PAPER	

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 31, 2011

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

In re Application of : **DECISION ON PETITION**
MCINTYRE, CAMERON C., et al.
Application No. 12/070521 : **ACCEPTANCE OF COLOR**
Filed: 02/19/2008 : **DRAWINGS**
Attorney Docket: 12637/160 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 19, 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



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**JACKSON WALKER LLP
112 E. PECAN
SUITE 2400
SAN ANTONIO TX 78205**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
ASCIOLLA, et al	:	
Application No. 12/070,577	:	DECISION ON PETITION
Filed: February 20, 2008	:	TO WITHDRAW
Attorney Docket No. P-130662.(UTI)	:	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 23, 2011.

The request is **APPROVED**.

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

The request was signed by Sean C. Crandall on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SAFETY FIRST APPLIANCE PROTECTION, LLC
C/O THOMAS ASCIOLLA, 10 HAROLD PLAZA
MONROE TOWNSHIP NJ 08831



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
12/070,577	02/20/2008	Thomas J. Ascioffa	P-130662(UTI)

CONFIRMATION NO. 9921

POWER OF ATTORNEY NOTICE



30544
Jackson Walker LLP
112 E. Pecan
Suite 2400
San Antonio, TX 78205

Date Mailed: 05/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2011.

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

/dcgoodwyn/

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



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The Belles Group, P.C.
404 S. 16th Street
Philadelphia PA 19146

MAILED

MAY 02 2011

In re Application of : **OFFICE OF PETITIONS**
Kashkoush et al. :
Application No. 12/070,620 : **DECISION ON PETITION**
Filed: February 19, 2008 :
Attorney Docket No. AKR-102-US :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed March 9, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was created on April 9, 2009. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 10, 2009. A Notice of Abandonment was mailed December 11, 2009.

Petitioner contends that the above-identified application was unavoidably delayed because the Notice to File Missing Parts and the Notice of Abandonment were not received. Petitioner notes that the documents were addressed to "N/A" and not the applicant or attorney for applicant.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (1) and (3).

As to item (1), petitioner has failed to provide a complete reply to the Notice of Missing Parts. The declaration does not set forth inventor Nemeth's residence, citizenship and post office address. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See 37 CFR 1.76 and MPEP 409.03(a).

Further, 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. See MPEP 201.03.

Lastly, the signature block of inventor Novak is illegible.

As to item (3), petitioner has failed to provide sufficient evidence to warrant a finding that the application was unavoidably delayed.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

In general, the Office looks to the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant/patentee and their successors, and the applicant/patentee and their successors are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

Pursuant to 37 CFR 1.33, when an application is filed a correspondence address must be set forth in either an application data sheet or elsewhere in a clearly identifiable manner, in any paper submitted with an application papers. If no correspondence address is specified, the Office may treat the mailing address of the first named inventor (if provided) as the correspondence address. A review of the record shows that the correspondence address for the attorney of the applicant and the applicant were not submitted. Where no correspondence address is included in the application, applicant has two months from the filing date to file the response to the Notice of Missing Parts in order to prevent the abandonment of the application. The failure to receive the correspondence was a result of the failure to provide a correspondence address. Thus, the failure

to submit a correspondence address for the attorney of applicant and the first named inventor was unavoidable.

As such petitioner has failed to establish 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.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810/1620 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 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
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404 S. 16th Street
Philadelphia PA 19146

MAILED

AUG 23 2011

OFFICE OF PETITIONS

In re Application of :
Kashkoush et al. :
Application No.12/070,620 :
Filed: February 19, 2008 :
Attorney Docket No. AKR-102-US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was created on April 9, 2009. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 10, 2009. A Notice of Abandonment was mailed December 11, 2009. A petition filed under 37 CFR 1.137(a) was dismissed on May 2, 2011.

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

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

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.
12/070,660	02/20/2008	Michael W. Stowell	A11896/T083800	1438

57385 7590 04/27/2011
KILPATRICK TOWNSEND & STOCKTON LLP / AMAT
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

KHAN, TAHSEEN

ART UNIT PAPER NUMBER

1783

MAIL DATE DELIVERY MODE

04/27/2011

PAPER

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

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



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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April 27, 2011

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

In re Application of :
Michael W. Stowell et al. : **DECISION ON PETITION**
Application No. 12070660 :
Filed: 2/20/2008 :
Attorney Docket No. A11896/T083800 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) February 20, 2008. Three (3) color copies of Figs. 8D, 8E, 9A, 9B, 10A, 10B, and 10C were submitted with the petition.

On April 24, 2008, replacement drawings for Figs. 9B, 10A, 10B and 10C were submitted. The replacement drawings were not submitted in color.

A replacement drawing for Fig. 9A was not submitted on April 24, 2008. In the drawings of February 20, 2008, Figs. 9A and 9B were on the same sheet. Amended replacement drawing sheets must include all of the figures appearing on the immediate prior version of the sheets, even if only one figure is being amended.

The petition is **DISMISSED**.

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

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

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

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

/Don Fairchild/
Office of Data Management
Publications Branch



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Mehul R. Jani
Black & Decker Corporation
Mail Stop TW199
701 E. Joppa Rd
Towson, MD 21286

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
William F. Gallagher, et. al. :
Application No. 12/070,678 :
Filed: February 20, 2008 :
Attorney Docket No. P-US-TN-09300A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed April 26, 2011, to revive the above-identified application.

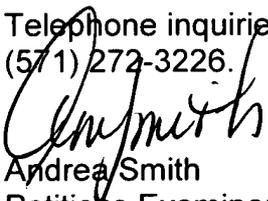
The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Kofi A. Schulterbrandt appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to file a proper reply to the final Office action mailed July 8, 2010. A Notice of Abandonment was mailed on February 3, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a terminal disclaimer under 37 CFR 1.321; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3723 for further processing in accordance with this decision.

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


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Michael M. Gerardi
30801 Calaise Court
Westlake Village CA 91362

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
Piccionelli and Gerardi :
Application No. 12/070,715 : DECISION ON PETITION
Filed: February 20, 2008 : UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number: :
39003.833US01 :
Title: CO-ORDINATED ON-LINE :
VIDEO VIEWING :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on January 10, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed April 25, 2011, which set a shortened statutory period for reply of three months. A notice of appeal along with a request for a three-month extension of time was received on October 28, 2011,¹ however neither of the fees that are associated with these submissions was received. Therefore no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on July 26, 2011. A notice of abandonment was mailed on December 6, 2011.

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

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

¹ The submission contains a certificate of mailing dated July 25, 2011.

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted a statement of facts, the petition fee, the fee that is associated with the filing of a notice of appeal,² and a statement that is being construed as the proper statement of unintentional delay.

This petition cannot be treated on the merits however, as it has not been executed in accordance with 37 C.F.R. § 1.33(b)(4). More specifically, this petition has been signed by one of the two joint inventors. 37 C.F.R. § 1.33(b)(4) states, *in toto*:

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:

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 response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should

² The petition makes reference to the filing of a Request for Continued Examination. The undersigned contacted joint inventor Gerardi on February 21, 2012, and confirmed this to be a typographical error.

include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)" and should be signed by both joint inventors. This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.⁷



Paul Shanoski
Senior Attorney
Office of Petitions

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael M. Gerardi
30801 Calaise Court
Westlake Village CA 91362

MAILED

APR 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Piccionelli and Gerardi	:	
Application No. 12/070,715	:	DECISION ON RENEWED PETITION
Filed: February 20, 2008	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
39003.833US01	:	
Title: CO-ORDINATED ON-LINE	:	
VIDEO VIEWING	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed on March 12, 2012, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed April 25, 2011, which set a shortened statutory period for reply of three months. A notice of appeal along with a request for a three-month extension of time was received on October 28, 2011,¹ however neither of the fees that are associated with these submissions was received. Therefore no extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on July 26, 2011. A notice of abandonment was mailed on December 6, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;

¹ The submission contains a certificate of mailing dated July 25, 2011.

- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on January 10, 2012, along with a statement of facts, the petition fee, and the fee that is associated with the filing of a notice of appeal. The original petition pursuant to 37 C.F.R. § 1.137(b) was dismissed via the mailing of a decision on February 27, 2012, which indicated the petition could not be treated on the merits as it had been signed by only one of the two joint inventors.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) has been signed by each of the two joint inventors and includes the required statement of unintentional delay.

To date, requirements two and three of Rule 1.137(b) have been satisfied, and the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.² The first requirement has not been satisfied, as will now be pointed out.

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply. The required reply is a reply which would have been sufficient to have avoided abandonment, had such reply been timely filed.³ In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (i.e., a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. §1.53(b); a request for continuing examination under 37 C.F.R. §1.114, if applicable; or a 37 C.F.R. §1.129(a) submission, if applicable). The petition was not accompanied by any of these replies.

² See Rule 1.137(d).

³ See M.P.E.P. 711.03(c).

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

More specifically, it appears that Petitioner intends for the Notice of Appeal that was received on October 28, 2011 to serve as the required reply. However, this Notice of Appeal cannot be entered, as it has not been executed in accordance with 37 C.F.R. § 1.33(b)(4): the Notice of Appeal has been signed by one of the two joint inventors. 37 C.F.R. § 1.33(b)(4) states, *in toto*:

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:

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 response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.137(b)" and Petitioner may wish to consider including a Notice of Appeal that has been signed by both joint inventors. This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300: please note this is a central facsimile number.

7 <https://portal.uspto.gov/au/validate/authenticateuserlocalepf.html>

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.⁸



Paul Shanowski
Senior Attorney
Office of Petitions

⁸ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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J. Rodman Steele, Jr.
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Stephane Monier, et al. :
Application No. 12/070,728 : **DECISION DISMISSING PETITION**
Filed: February 19, 2008 : **UNDER 37 CFR 1.313(a)**
Attorney Docket No. 6300-37 :

This is a decision on the petition under 37 CFR 1.313(a), filed July 19, 2011, 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 April 20, 2011, with the issue fee being due on or before July 20, 2011. The petition states that 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 Terri Johnson at (571) 272-2991.

The matter is being referred to Technology Center AU 2837 for appropriate processing of the RCE filed July 19, 2011, and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2900
KANSAS CITY MO 64106-2150

MAILED

NOV 21 2011

In re Application of	:	OFFICE OF PETITIONS
Sebastian Elliot et al.	:	
Application No. 12/070,747	:	DECISION ON PETITION
Filed: February 20, 2008	:	TO WITHDRAW
Attorney Docket No. 834453-0002	:	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 8, 2011.

The request is **APPROVED**.

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

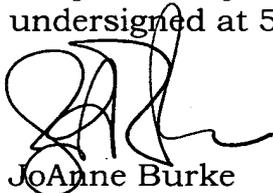
The request was signed by Judith L. Carlson on behalf of all attorneys of record who are associated with Customer Number 27910.

All attorneys/agents associated with Customer Number 27910 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 Sebastian Elliot at the address indicated below.

There is an outstanding Office action mailed September 29, 2011, that requires a reply from the applicant.

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



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Sebastian Elliot
96 Greenwich Avenue, #6
Greenwich, CT 06830



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
12/070,747	02/20/2008	Sebastian Elliot	834453-0002

CONFIRMATION NO. 2019

POWER OF ATTORNEY NOTICE



0C000000051078157

27910
STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2900
KANSAS CITY, MO 64106-2150

Date Mailed: 11/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/08/2011.

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

/jlburke/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/070,754, 02/20/2008, Evangelos Kotsovinos, 810659, 2080

7590 01/19/2011
LEYDIG, VOIT AND MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601

EXAMINER

BATAILLE, PIERRE MICHE

ART UNIT PAPER NUMBER

2186

NOTIFICATION DATE DELIVERY MODE

01/19/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 14, 2011

LEYDIG, VOIT AND MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601

In re Application of	:	
Evangelos Kotsovinos, et al	:	DECISION ON PETITION
Application No. 12070754	:	
Filed: 02/20/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 810659	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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FERRELL, PLLC
P.O. BOX 312
CLIFTON VA 20124-1706

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of :
Kurt-Gunter BRENDT, et al :
Application No. 12/070,797 : DECISION ON PETITION
Filed: February 21, 2008 :
Attorney Docket No. 206TN04.US (TOP-08-4) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowability, mailed April 19, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$1510 and Publication Fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

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

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

/DCG/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL W. FERRELL
4400 FAIR LAKES COURT-SUITE 201
FAIRFAX, VA 22033



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Paper No.

MAILED

AUG 12 2010

OFFICE OF PETITIONS

Rheinhardt of Evansville, Inc.
415 County Road
Pocasset MA 02559

In re Application of :
Richard M. Rheinhardt :
Application No. 12/070,807 : DECISION ON RENEWED PETITION
Attorney Docket No.: 070761-US : PURSUANT TO
Filed: February 21, 2008 : 37 C.F.R. § 1.137(A)
Title: SELF-INFLATING WHEEL :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a) to revive the above-identified application, filed on July 15, 2010. A supplement to this petition was received on July 16, 2010.

The renewed petition pursuant to 37 C.F.R. § 1.137(a) is
GRANTED.

The Change of Correspondence Address submitted on June 3, 2010 has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed March 11, 2008, which set a shortened statutory period for reply of two months. Two sheets of corrected drawings were received on July 1, 2008, however this submission contained neither an amendment directing the entry of these drawings, or a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) so as to make timely the response.¹ Accordingly, the above-identified application became abandoned on May 12, 2008. A notice of abandonment was mailed on October 23, 2008.

¹ It is noted that these drawings could not have been entered, as neither contains the notation that it is a replacement sheet, as required by 37 C.F.R. § 1.121(d).

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on January 26, 2010, and was dismissed via the mailing of a decision on April 20, 2010.

The decision on the original petition indicated that the second and third requirements of Rule 1.137(a) have been met, and that the fourth requirement of Rule 1.137(a) is not applicable, as a terminal disclaimer is not required.²

With this renewed petition, Petitioner has submitted a one-month extension of time so as to make timely this submission, along with a set of replacement drawings and an amendment directing the entry of the same.

It follows that the third requirement of Rule 1.137(a) has been satisfied.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that

² See Rule 1.137(d).

change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.³

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Richard M. Rheinhardt
1001 Sierra Blanca Ct.
Lady Lake FL 32159-0099

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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**EI DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122b
4417 LANCASTER PIKE
WILMINGTON DE 19805**

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :
Arun Prakash et al :
Application No. 12/070,817 : **DECISION ON PETITION**
Filed: February 21, 2008 :
Attorney Docket No. FA1589USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 9, 2011 to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed March 18, 2008, 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 Patent Examination Processing for pre-examination processing.

/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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Date: 06/15/11

Patent No. : **7,940,322 B2**
Ser. No. : **12/070,860**
Inventor(s) : **Kikuchi , et al.**
Issued : **May 10, 2011**
Title : **Focus detecting device**
Docket No. : **08097/LH**

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

LMN



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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED
JUL 14 2011
OFFICE OF PETITIONS

Patent No. 7,940,322 :
Issue Date: May 10, 2011 :
Application No. 12/070,860 :
Filed: February 21, 2008 :
Attorney Docket No. 08097/LH :

ON PETITION

This is a decision on the petition filed June 28, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/11/12
TO SPE OF : ART UNIT 2462
SUBJECT : Request for Certificate of Correction for Appl. No.: 12070873 Patent No.: 8102839

CofC mailroom date: 04/03/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

You can fax the Directors/SPE response to 571-273-3421

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

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

/Yemane Mesfin/

2462

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,886	02/21/2008	Yong Q. Kang	UOD-173US	2209

66469 7590 04/11/2012
RATNERPRESTIA
P.O. BOX 1596
WILMINGTON, DE 19899

EXAMINER

ROSARIO, DENNIS

ART UNIT	PAPER NUMBER
2624	

2624

MAIL DATE	DELIVERY MODE
04/11/2012	PAPER

04/11/2012

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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April 10, 2012

RATNERPRESTIA
P.O. BOX 1596
WILMINGTON DE 19899

In re Application of :
KANG, YOUNG Q. et al : **DECISION ON PETITION**
Application No. 12/070,886 :
Filed: 02/21/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No.UOD-173US : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 21, 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
David A. WALDMAN, et al :
Application No. 12/070,913 :
Filed: February 21, 2008 :
Attorney Docket No. 87494(301691) :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 13, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LUKINS & ANNIS
717 WEST SPRAGUE AVE., SUITE 1600
SPOKANE WA 99201

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of :
Cedric J. Clark, et al. :
Application No. 12/070,978 : **DECISION ON PETITION**
Filed: February 22, 2008 :
Attorney Docket No. CLARK, CEDRIC J. :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 29, 2010. Accordingly, the date of abandonment of this application is July 30, 2010. The Notice of Abandonment was mailed August 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 Terri Johnson at (571) 272-2991.

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


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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December 6, 2011

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of :
Hirota, Soh et, al : **DECISION ON PETITION**
Application No. 12/071,042 :
Filed: 02/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No.1009683-000638 : **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 14, 2008.

The petition is **GRANTED**.

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,044	02/14/2008	Koji Kasuga	NE547-US	7996

7590 08/13/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

CHANG, CHARLES S

ART UNIT	PAPER NUMBER
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2883

MAIL DATE	DELIVERY MODE
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08/13/2010

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



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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of

Popell, et al.

Application No. 12/071,078

Filed: February 15, 2008

Attorney Docket No. OQO-6040-02

:
:
: **DECISION ON PETITION**
:

This is a decision on the petition under 37 CFR 1.137(b), filed August 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 4, 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 May 10, 2009. A Notice of Abandonment was mailed August 14, 2009.

The amendment filed August 4, 2010, is noted.

The application is being forwarded to Technology Center 2100, GAU 2185 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



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :
Shao : DECISION ON PETITION
Application No. 12/071,157 :
Filed: February 15, 2008 :
Atty. Dkt. No.: 5545/0255PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 24, 2011.

The petition is **DISMISSED**.

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

This application became abandoned May 8, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed March 7, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed November 12, 2008.

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 fails to satisfy requirement (3).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

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

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (3).

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the delay in filing a grantable petition was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (more than two and a half years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the Office action, and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned and what efforts were made to timely pursue the petition for revive.

Petitioner may wish to submit supporting documentation to establish that the delay in seeking to resume prosecution has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See, Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

In view thereof, 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 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450

Alexandria, VA 22313-1450

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Shao : DECISION ON PETITION
Application No. 12/071,157 :
Filed: February 15, 2008 :
Atty. Dkt. No.: 5545/0255PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed July 18, 2011.

This application became abandoned May 8, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed March 7, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed November 12, 2008.

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 application has been carefully reviewed and found in compliance with the provisions of law set forth above.

In view thereof, the petition to revival pursuant to 37 CFR 1.137(b) is hereby **GRANTED**.

This application is being directed to the Office of Patent Application Processing for further processing.

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

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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OCT 08 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of :
Jeng, et al. :
Application No.: 12/071,165 : ON PETITION
Filed: February 15, 2008 :
Attorney Docket No. 7000.195 :

This is in response to the petition under 37 CFR 1.137(b) filed August 4, 2010.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 7, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, search, and examination fees and a surcharge for the late payment of the same. A response was not received within the allowable period, and the application became abandoned on May 8, 2008. A Notice of Abandonment was mailed on November 12, 2008.

The fees are of record as of August 4, 2010.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding 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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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of: :
Chaia-I Liu :
Application No. 12/071,166 : DECISION ON PETITION
Filing Date: February 15, 2008 :
Attorney Docket No. 5545/0430PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on March 16, 2011, to revive the above-identified application.

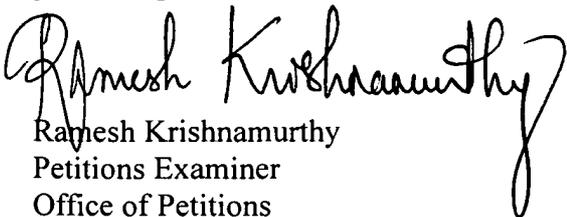
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed March 06, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on May 07, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of March 06, 2008 is accepted as having been unintentionally delayed.

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

The application is being referred to the Office of Patent Application Processing for further processing.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Meng-Feng Huang :
Application No. 12/071,167. : DECISION ON PETITION
Filed: February 15, 2008 :
Attorney Docket No. 5545/0292PUS1 :

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 to File Missing Parts of Non-Provisional Application (Notice), mailed March 7, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 8, 2008. A Notice of Abandonment was mailed November 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 8, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Wei-Teng CHEN :
Application No. 12/071,168 : **ON PETITION**
Filed: February 15, 2008 :
Attorney Docket No. JAD 152 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 5, 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 6, 2008.

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 required fees; (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of March 5, 2008 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

Application No. 12/071,168

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 Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

The application is being referred to the Office of Patent Application Processing.



For David A. Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,359	02/20/2008	Noam Sorek	40677	9489
7590 12/13/2011 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215			EXAMINER PATEL, KANJIBHAI B	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			12/13/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 13, 2011

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

In re Application of :
Noam Sorek et al. : **DECISION ON PETITION**
Application No. 12071359 :
Filed: 2/20/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 40677 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,398	02/20/2008	Daniel R. Boehmer	N3737.0000/P0001-A	1093
24998	7590	04/20/2011	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			MOSSER, KATHLEEN MICHELE	
			ART UNIT	PAPER NUMBER
			3715	
			MAIL DATE	DELIVERY MODE
			04/20/2011	PAPER

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

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



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P.O. Box 1450
Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of
BOEHMER, DANIEL R
Appl. No.: 12/071,398
Filed: Feb. 20, 2008
Atty. Docket No : N3737.0000/P0001-A
For: METHOD FOR COMMUNICATING
CONFIDENTIAL, EDUCATIONAL INFORMATION

:
: DECISION ON PETITION
: Under 37 CFR 1.59
:

This is a decision on the petition under 37 CFR 1.59(b), filed Sep. 15, 2009 to expunge information from the above identified application. The petition fee of \$200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on Sep. 15, 2009 is proprietary material for examiner's consideration under MPEP § 724. It is noted petitioner has not provided a clear identification of the information to be expunged without disclosure of the details in accordance with MPEP § 704.02. Therefore, this petition will not be decided until a clear identification of the information to be expunged is received.

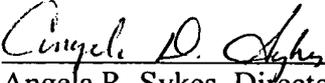
In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

The decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.


Angela R. Sykes, Director
Technology Center 3700



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/071,511 02/21/2008 Joo-young Kang 1907,1228 2175

7590 01/30/2012
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
MOTSINGER, SEAN T

ART UNIT PAPER NUMBER
2624

MAIL DATE DELIVERY MODE
01/30/2012 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



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 27, 2012

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

Re Application o
KANG, JOO-YOUNG , Et AL
Application: **12/071511**
Filed: **02/21/2008**
Attorney Docket No: **1907.1228**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 21, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,532	02/21/2008	Gcun-Scok Chai	P58678	2178
8439	7590	02/24/2011	EXAMINER	
ROBERT E. BUSHNELL & LAW FIRM			POLYANSKY, ALEXANDER	
2029 K STREET NW			ART UNIT	PAPER NUMBER
SUITE 600			1735	
WASHINGTON, DC 20006-1004			NOTIFICATION DATE	DELIVERY MODE
			02/24/2011	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):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com



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

2/24/2011

wk

Mailed:

In re application of

Chai et al.

Serial No. 12/071,532

Filed: February 21, 2008

For: **REACTOR FOR PRODUCING METAL
 NANOPARTICLES AND ARRANGEMENT HAVING
 THE REACTOR**

:
 : **DECISION ON**
 : **PETITION**
 :

This is a response to Applicants Petition filed on December 3, 2010 under 37 C.F.R. 1.181 requesting that the Examiner's interpretation of the Section of "Background Of The Invention" should not be identified as "Applicant's Admitted Prior Art".

On September 3, 2010, the Examiner in a first Office Action interpreted the Section of "Background Of The Invention" as Applicant's Admitted Prior Art. The Section of "Background Of The Invention" discloses a radiation apparatus including a contemporary reactor. Applicants have submitted a declaration under 37 C.F.R. 1.132.

In the declaration, Applicants stipulate that the reaction arrangement as disclosed in the "Background " section is the Applicants' own work and was never disclosed to the public. Applicants assert that this Disclosure in the "Background" section is a representation of the art prepared by the Applicant in an effort to illustrate Applicants' discovery of problems plagued in the art. Applicants further state that by identifying deficiencies in the prior art and then addressing those deficiencies does not constitute "Prior Art" as that term is used under 35 USC 103, and defined by 35 USC 102(a)-(g). Applicants assert that the special meaning of the term "prior art" in patent law cannot be the usual meaning of the term "contemporary". Applicant has used the term "contemporary", not to admit that the Section of "Background of the Invention" is prior art, but instead to comply with Rule 1.71(b) by distinguishing Applicants' invention from other inventions.

The Background of the Invention ordinarily comprises two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains.

(2) Description of the related art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A paragraph(s) describing to the extent practical the state of the prior art or other information disclosed known to the applicant, including references to specific prior art or other information where appropriate. Where applicable, the problems involved in the prior art or other information disclosed which are solved by the

Serial Number: 12/071,532

applicant's invention should be indicated. See also MPEP § 608.01(a), § 608.01(p) and § 707.05(b).

A statement by an applicant in the specification or made during prosecution identifying the work of another as "prior art" is an admission which can be relied upon for both anticipation and obviousness determinations, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102. *Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354, 66 USPQ2d 1331, 1337 (Fed. Cir. 2003); *Constant v. Advanced Micro-Devices Inc.*, 848 F.2d 1560, 1570, 7 USPQ2d 1057, 1063 (Fed. Cir. 1988). However, even if labeled as "prior art," the work of the same inventive entity may not be considered prior art against the claims unless it falls under one of the statutory categories. *Id.*; see also *Reading & Bates Construction Co. v. Baker Energy Resources Corp.*, 748 F.2d 645, 650, 223 USPQ 1168, 1172 (Fed. Cir. 1984) ("[W]here the inventor continues to improve upon his own work product, his foundational work product should not, without a statutory basis, be treated as prior art solely because he admits knowledge of his own work. It is common sense that an inventor, regardless of an admission, has knowledge of his own work.").

DECISION

The Petition is **GRANTED**.

Applicants' disclosure in the "Background of the Invention" should not be interpreted as Applicants' admitted prior art.

W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,532	02/21/2008	Geun-Seok Chai	P58678	2178
8439	7590	11/25/2011	EXAMINER	
ROBERT E. BUSHNELL & LAW FIRM			POLYANSKY, ALEXANDER	
2029 K STREET NW				
SUIE 600			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006-1004			1735	
			NOTIFICATION DATE	DELIVERY MODE
			11/25/2011	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):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com



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United States Patent and Trademark Office
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www.uspto.gov

11/25/2011

BC

Mailed:

In re application of	:	
Geun-Seok Chai et al.	:	DECISION ON
Serial No. 12/071,532	:	PETITION
Filed: February 21, 2008	:	
For: REACTOR FOR PRODUCING METAL	:	
NANOPARTICLES AND ARRANGEMENT HAVING	:	
THE REACTOR	:	

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING WITHDRAWAL OF THE RESTRICTION REQUIREMENT filed on November 08, 2011.

Items (1)-(5) of Petitioner's Statement of Facts is deemed to accurately reflect the record. However, there is no examiner-prepared interview summaries on record in the present application of the examiner/attorney interviews conducted on August 09, 2011 and November 03, 2011.

The instant petition requests: (A) withdrawal of the restriction requirement mailed May 19, 2010; (B) confirmation that claims 21 and 22 encompasses the subject matter of elected Group I; (C) prompt examination of all of the claims on the merits; and (D) further relief as deemed appropriate. Petitioner argues that Group I and Group II teach a single invention and are now¹ drawn to an arrangement producing metal nanoparticles including a gamma-ray irradiator, a reactor, and a power supply. Additionally, it is argued that there is no serious burden upon the examiner in searching the inventions of Group I and Group II.

DECISION

The original restriction requirement of May 19, 2010 held that there were two distinct inventions that were related as combination (Group I) and subcombination (Group II). As set forth in MPEP 806.05(c), two-way distinctness must be shown by the examiner in order to establish that a combination and subcombination are distinct. Specifically, the examiner must show both (A) that the combination as claimed does not require the particulars of the subcombination as claimed and (B) the subcombination has utility either by itself or in another materially different combination.

While the required reasoning for establishing restriction between a combination and subcombination was included in the May 19, 2010 requirement, this reasoning is no longer applicable in view of the supplemental amendment to claims 21 and 22 of July 05, 2011. Specifically, there is no longer a subcombination invention being claimed in the present application, since the July 05, 2011 amendment amended claims 21 and 22 to read on the

¹ On July 05, 2011, the applicant filed a supplemental amendment which amended claims 21 and 22 to define an apparatus for producing metal nanoparticle.

combination embodiment. Claim 21 is now directed to the same general invention as claim 1, albeit claim 21 does not include all of the limitations of claim 1. Specifically, claim 21 does not require that the container has a rounded portion or a planar window facing towards the gamma ray irradiator. Accordingly, claims 21 and 22 should now be included in Group I.

The petition to withdraw the restriction requirement is **GRANTED**. The examiner is instructed to issue a new office action that treats all pending claims on the merits. Additionally, the examiner should prepare interview summaries of the examiner/attorney interviews conducted on August 09, 2011 and November 03, 2011, if the applicant-submitted interview summary of November 08, 2011 is not accurate. An office action on the merits will follow in due course.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004



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Date

: September 3, 2010

Patent No. :7490984
Ser. No. :12/071537
Inventor(s) : A. Bhatt et al.
Issued :Feb. 17, 2009
Title :METHOD OF MAKING AN IMAGING INSPECTION APPARATUS WITH
:DIELECTRIC COOLING

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A.** the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Mark Levy
Hinman, Howard & Kattell, LLP
700 Security Mutual Bldg.
80 Exchange Street
Binghamton, NY 13901

/arg



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/071,716	02/26/2008	Hideo Watanabe	01-1617	3374
23400	7590	05/31/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			PASCHALL, MARK H	
			ART UNIT	PAPER NUMBER
			3742	
			NOTIFICATION DATE	DELIVERY MODE
			05/31/2011	ELECTRONIC

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

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

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

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
WATANABE, HIDEO	:	
Application No. 12/071,716	:	DECISION ON REQUEST TO
Filed: 02/26/2008	:	PARTICIPATE IN PATENT
Attorney Docket No. 01-1617	:	PCT/PROSECUTION HIGHWAY
For: NOISE REDUCED PWM DRIVER	:	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 May 26, 2011 to make the above-identified application special.

The request and petition are granted.

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

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Tu Hoang, SPE of Art Unit 3742, and 571-272-4780 for Class 219/482 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE



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**POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191**

MAILED
NOV 04 2011
OFFICE OF PETITIONS

In re Patent No. 7,824,995
Issued: November 2, 2010
Application No. 12/071,717
Filed: February 26, 2008
Attorney Docket No. 01-1637

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed October 11, 2011 and April 7, 2011, requesting issuance of duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The Publishing Division is directed to issue duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at 571-272-7751. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person at 703-756-1555 or Kimberly Terrell at 703-756-1568.

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ 09 D 30-A (FAX 571-270-9764)
Kimberly Terrell, RSQ 09 D 33 (FAX 571-270-9958)



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

SEP 28 2011

In re Application of :
Hong-Liang Ren et al. :
Application No. 12/071,823 :
Filed: February 27, 2008 :
Attorney Docket No. **RENH3001/EM** :

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request filed August 31, 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

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

Decision Date : July 11,2011

In re Application of :

Kiyotaka Ohara

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12071837

Filed : 27-Feb-2008

Attorney Docket No : 006838.00077

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 11,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2457 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12071837
Filing Date	27-Feb-2008
First Named Inventor	Kiyotaka Ohara
Art Unit	2457
Examiner Name	EL HADJI SALL
Attorney Docket Number	006838.00077
Title	ELECTRONIC MAIL COMMUNICATION DEVICE

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	/Gary D. Fedorochko/
Name	Gary D. Fedorochko
Registration Number	35509



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.
12/071,858	02/27/2008	Shinichiro Yoshii	IRD-0026	4985
23353 7590 01/20/2012 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER SHAH, AMEE A	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 01/20/2012	DELIVERY MODE 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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JAN 20 2012

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: Shinichiro Yoshii : **PETITION TO RECONSIDER**
Application No. 12/071,858 : **NOTICE OF NON-COMPLIANT**
Filed: February 27, 2008 : **AMENDMENT**
For: SERVER APPARATUS, INFORMATION :
PROCESSING APPARATUS, AND :
INFORMATION PROCESSING METHOD :

This is in response to applicant's petition filed on November 16 , 2010 under 37 C.F.R. 1.181 to request reconsideration of the holding of new claims 24-46 as non-elected invention set forth in the notice of non-compliant amendment mailed on July 16, 2010 and repeated in a second notice of non-compliant amendment mailed on October 21, 2010; and request entry of the August 5, 2010 amendment which is responsive to the non-final Office action dated December 24, 2009.

The petition is **GRANTED**.

A review of the record shows that the present application was filed with claims 1-23 originally. A restriction requirement was mailed on January 28, 2009 in which the examiner restricted claims 1-23 into four (4) distinct groups: Group I of claims 1-9, and 12-15 drawn to a server apparatus and information processing method for recommending a product (as depicted in figure 24); Group II of claims 10 and 11 drawn to a server apparatus that includes a judging portion (depicted in figure 22); Group III of claims 16-18 and 22 drawn to an information processing apparatus/ method (as depicted in figure 34); and Group IV of claims 19-21 and 23 drawn to an information processing apparatus/method (depicted in figure 36). Applicant elected with traverse Group I of claims 1-9 and 12-15 in a response filed on February 24, 2009. A non-final Office action was mailed on June 18, 2009. Applicant filed an amendment on September 18, 2009 cancelling claims 1-3, 12, 13; rewriting claims 4 and 14 into independent form; and amending claims 5-7, 9-11, 15, 17 and 20. A second non-final Office action was mailed on December 24, 2009. Applicant filed a response on April 22, 2010 by cancelling all of the claims and added new claims 24-46. A notice of non-compliance letter was mailed on July 16, 2010 in which the examiner indicated that newly added claims 24-46 are directed to non-elected invention which renders the amendment of April 22, 2010 non-responsive to the Office action of December 24, 2009.

In the first notice of non-compliant/non-responsive amendment mailed on July 16, 2010 the examiner indicates that newly submitted claims 24-46 are directed to a distinct invention from

that of cancelled claims 1-23 in that “the original invention was directed to storing purchase information, identifying a trend leader and trend follower based on when the purchase was made through a formed graph linking the time purchased, identifying a product or service purchased by the identified trend leader and transmitting that identified product as a recommended product whereas the new invention is much more broadly directed to receiving purchase information, and recommending a product purchased by someone identified as a trend leader through no specific means. While the inventions are related, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.”

In the second notice of non-compliant/non-responsive amendment mailed on October 21, 2010 the examiner indicates that “the cancellation of claims 1-23 and addition of claims 1-24 (this appears to be a typo—it should have been claims 24-46) amounts to a shift in the invention. Had newly claims 24-46 been originally presented with claims 1-23, they would have been restricted because the two inventions are directed to related processes, but are distinct... Applicant also argues that because the two inventions are readable on the same embodiment, they are not distinct (Remarks, pages 4-11). The examiner disagrees. Simply because the inventions are related to the same embodiment does not mean they are not distinct”

Applicant argues that the examiner erred in holding the amendment of December 24, 2009 as non-compliant/non-responsive for cancelling originally filed claims 1-23 and adding claims 24-46 drawn to a non-elected invention. Applicant contends that the elected invention of Group I, which included the amended claims 4-9, 11 and 14-15 as examined in the December 24, 2009 Office action, encompasses the server apparatus of embodiment 4 depicted in figure 24 of the specification. The newly added claims 24-46 also encompass the server apparatus of embodiment 4 depicted in figure 24. Applicant argues that both of the notices of non-complaint amendment fail to show how and why the features of newly added claims 24-46 are independent and distinct from the elected invention.

MPEP 803 sets forth the criteria for restriction as follows: “*under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - § 806.05(i)). If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.*”

MPEP § 806 states that “*Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.*”

MPEP § 806.03 states that “*Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.*”

A review of the specification shows that a server apparatus is disclosed in figures 2, 14, 22 and 24. Figure 14 shows the same server apparatus of figure 2 plus element (14102) labeled as

“input information accumulating portion” and a second element (14103) labeled as “purchaser classifying portion”. Figure 22 shows the same server apparatus of figure 2 plus element (22101) labeled as “judging portion”. Figure 24 shows the same server apparatus of figure 14 plus elements 241091 labeled “directed graph information constituting unit”, 241092 labeled as “trend leader degree calculating unit”, 241094 labeled as “purchaser identifying information acquiring unit” and 241093 labeled as “trend follower degree calculating unit” within the element (24109) labeled as “trend leader detecting portion”. It appears that figures 2, 14, 22 and 24 are variants of a server apparatus.

Applicant is correct that independent claim 4 in the September 18, 2009 amendment is directed to a server apparatus shown in figure 24 which includes a purchase history information memory to store purchase history information of at least two purchasers, a trend leader detecting portion, a recommended product/service information acquiring portion, a recommended product/service information transmitting portion, and a user identifying information storage portion. The trend leader detecting portion further includes a direct graph information constituting portion, a trend leader degree calculating portion, a purchaser identifying information acquiring portion, and a trend follower degree calculating portion.

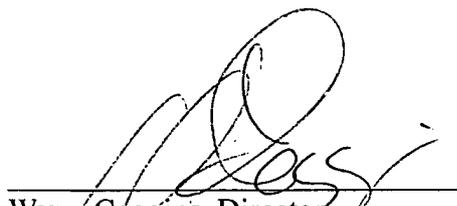
Independent claim 24 introduced by the April 22, 2010 amendment is directed to a server apparatus that includes a purchase information receiving portion that identifies a purchase of a user, a recommended product transmitting portion that transmits at least one item purchased by a trend leader, wherein a trend leader is identified by a highest trend leader degree which is derived from a plurality of trend leader degrees and a plurality of trend follower degrees. The purchase information receiving portion is shown as an element of a server apparatus in figures 2, 14, 22 and 24. The purchase information receiving portion is related to but not patently distinct from the purchase history information accumulating portion and the purchase history information storage portion recited in claim 4. The recommended product transmitting portion that recommends a product or service purchased by a trend leader is the same element recited in claim 4 in the September 18, 2009 amendment. Per the disclosure in paragraphs [0227], [0234], [0235], [0259]-[0265], the highest trend leader degree of claim 24 encompasses the trend leader degree calculating portion and a trend follower degree calculating portion of the trend leader detecting portion recited in claim 4 in the September 18, 2009 amendment. Applicant is correct in that the server apparatus of new claim 24 is not patentably distinct from the server apparatus of the independent claim 4 of the September 18, 2009 amendment, and that both claims 24 of the April 22, 2010 and claim 4 of the September 18, 2009 amendment are directed to a server apparatus of figure 24. There is no examination burden for searching new claim 24 since the search would be the same. Claim 4 of the September 18, 2009 amendment and new claim 24 are not directed to distinct inventions; they define the same invention of a server apparatus but varying in scope by reciting various features of the server in different combinations and with varying specificity.

Similarly, independent claim 14 in the September 18, 2009 amendment is directed to an information processing method of the apparatus shown in figure 24 and disclosed in details in paragraphs [0228], [0267]-[0299] using a trend leader detecting portion, a recommended product or service acquiring portion, and a recommended product or service transmitting portion. A review of independent claim 33 in the December 24, 2009 amendment shows that claim 33 is

also directed to an information processing method that using the trend leader detecting portion and recommended product or service transmitting portion shown in figure 24. The step of receiving purchase information is not patentably distinct from the purchase information receiving portion. Based on the disclosure in paragraphs [0269]-[0293], the step of identifying a trend leader by deriving a highest trend leader degree from a plurality of trend leader degrees and a plurality of trend follower degrees encompasses the trend leader degree calculating portion and a trend follower degree calculating portion of the trend leader detecting portion of claim 14 in the September 18, 2009 amendment. The step of transmitting at least one recommended product or service purchased by a trend leader encompasses the recommended product or service acquiring step and the recommended product or service transmitting step recited in claim 14. There is no examination burden for searching new claim 33 since the search would be the same. As such, claim 14 of the September 18, 2009 amendment and new claim 33 are not directed to distinct inventions; they define the same invention of an information processing method but varying in scope by reciting various features of the information processing system in figure 24 in different combinations and with varying specificity.

Since new claims 24 and 33, and the claims 4 and 14 of the September 18, 2009 amendment are drawn to a single disclosed embodiment of the invention of figure 24, the examiner's rationales set forth in the non-compliant/non-responsive amendments dated July 16, 2010 and October 21, 2010 for holding the invention as claimed in new claims 24 and 33 as distinct from the invention of claims 4 and 14 in the September 18, 2009 are not in compliance with MPEP§ 803, § 806 and § 806.03 cited above. Applicants' argument is, therefore, persuasive. Both notices of non-compliant/non-responsive amendment are hereby withdrawn. The amendment dated April 22, 2010 is considered fully responsive to the Office action of December 24, 2009 and has been entered. The application will be forwarded to the examiner for a prompt action on the merits of all pending claims 24-46.

Any question regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.



Wynn Coggins, Director
Technology Center 3600
(571) 272-5350

wc/lm: 1/18/12

LM



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**LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110**

**MAILED
JUL 28 2011
OFFICE OF PETITIONS**

In re Application of :
Donald R. Quinn :
Application No. 12/071,878 : **DECISION ON PETITION**
Filed: February 27, 2008 :
Attorney Docket No. 30060.00 :

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

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). No extensions of time under the provisions of 37 CFR 1.136(b) were obtained. As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal dated November 9, 2010, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on January 10, 2011. See MPEP 1215.04.

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 \$405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3772 for appropriate action by the Examiner in the normal course

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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David Bogart Dort
STEALTHDRIVE LLC
BOX 26219
CRYSTAL CITY STATION
ARLINGTON, VA 22215

MAILED
JUN 01 2011
OFFICE OF PETITIONS

In re Application of Cochrane :
Application No. 12/071,924 : Decision on Petition
Filing Date: February 27, 2008 :
Attorney Docket No. TORP.P016.B :

This is a decision on the petition under 37 CFR 1.137(b) filed March 17, 2011, which requests revival 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. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 23, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on September 24, 2010. A Notice of Abandonment was mailed on February 3, 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,
- (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) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The instant petition includes a reply to the outstanding Office action, the required petition fee of \$810, and the required statement of unintentional delay. Unfortunately, the petition cannot be granted because the petition is not properly signed.

The petition includes the following S-signature: "davidbogartdort50213/". Pursuant to 37 CFR 1.4(d)(2)(i), and S-signature must begin and end with a single forward slash mark. Although the S-signature on the petition ends with a forward slash, a forward slash is not included at the beginning of the signature. Therefore, the S-signature is improper.

A properly signed request for reconsideration should be filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by 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 instant petition includes such a statement, the statement should also appear in any request for reconsideration. In other words, any request for reconsideration should include the following statement, or a similar statement: "The entire delay in filing the required reply from the due date for the reply until the filing the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

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

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: David Bogart Dort
Suite 2A
424 South Washington
Alexandria, VA 22314



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David Bogart Dort
STEALTHDRIVE LLC
BOX 26219
CRYSTAL CITY STATION
ARLINGTON, VA 22215

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of Cochrane :
Application No. 12/071,924 : Decision on Petition
Filing Date: February 27, 2008 :
Attorney Docket No. TORP.P016.B :

This is a decision on the renewed petition under 37 CFR 1.137(b) filed June 14, 2011, which requests revival of the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 23, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on September 24, 2010. A Notice of Abandonment was mailed on February 3, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (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) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied a reply in the form of an amendment filed March 17, 2011, the required petition fee of \$810, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2835 will be informed of the instant decision and the application, including the amendment filed March 17, 2011, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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February 27, 2012

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

In re Application of :
Sauri Gudlavalleti et al. : **DECISION ON PETITION**
Application No. 12072090 :
Filed: 2/22/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. QCO.227A/061997 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 22, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch



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Commissioner for Patents
United States Patent and Trademark Office
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Decision Date : September 9,2011

In re Application of :

Leslie Wilkins - Gaudio

Application No : 12072132

Filed : 22-Feb-2008

Attorney Docket No : 809/002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 9,2011

The request is **APPROVED**.

The request was signed by Jonathan M. Doloff (registration no. 63521) on behalf of all attorneys/agents associated with Customer Number 83336 . All attorneys/agents associated with Customer Number 83336 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 isABelt Ltd.
Name2
Address 1 980 Broadway, Suite 136
Address 2
City Thornwood
State NY
Postal Code 10594
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12072132	
Filing Date	22-Feb-2008	
First Named Inventor	Leslie Wilkins - Gaudio	
Art Unit	3765	
Examiner Name	ALISSA HOEY	
Attorney Docket Number	809/002	
Title	Discreet elastic belt	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		83336
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	isABelt Ltd.	
Address	980 Broadway, Suite 136	
City	Thornwood	
State	NY	
Postal Code	10594	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jonathan M. Doloff/
Name	Jonathan M. Doloff
Registration Number	63521



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**SAMUEL W. APICELLI
DUANE MORRIS LLP,
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103**

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of
Mark A. REILEY
Application No. 12/072,153
Filed: February 25, 2008
Attorney Docket No. E3383-00076

**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 20, 2010.

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

A review of the file record indicates that the power of attorney to Samuel W. Apicelli and the attorneys of record associated with Customer No. 08933, has been revoked by the assignee of the patent application on July 28, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

cc: RYAN KROMHOLZ & MANION, S.C.
P.O. BOX 26618
MILWAUKEE WI 53226



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,153	02/25/2008	Mark A. Reiley	9414.18622.DIV

CONFIRMATION NO. 3943

POA ACCEPTANCE LETTER

Ryan Kromholz & Manion, S.C.
P.O. Box 26618
Milwaukee, WI 53226



Date Mailed: 08/11/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2010.

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.

/hgray/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,153	02/25/2008	Mark A. Reiley	E3383-00076

CONFIRMATION NO. 3943

POWER OF ATTORNEY NOTICE



8933
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

Date Mailed: 08/11/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2010.

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

/hgray/

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



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LYONDELLBASELL INDUSTRIES
LEGAL IP DEPARTMENT
1221 MCKINNEY STREET
ONE HOUSTON CENTER
HOUSTON TX 77010

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Wang :
Application No. 12/072,175 :
Filed: 25 February, 2008 :
Attorney Docket No. 88-2141B :

DECISION

This is a decision on the petition filed on 8 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

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

As to the Allegations
of Unintentional Delay

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

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

BACKGROUND

Petitioner failed to reply timely and properly to the non-final Office action mailed on 26 January, 2011, with reply due absent extension of time on or before 26 April, 2011.

The application went abandoned by operation of law after midnight 26 July, 2011.

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

On 8 August, 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 a statement of unintentional delay.

Application No. 12/072,175

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

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

It appears that the requirements under the rule have been satisfied.

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.

Application No. 12/072,175

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 1762 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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PAUL F. WILLE
6407 EAST CLINTON ST.
SCOTTSDALE AZ 85254

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MAR 08 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of
Samuel L. Thomasson
Application No. 12/072,209
Filed: February 25, 2008
Attorney Docket No.: **90267.012**

This is a decision on the petition under 37 CFR 1.137(a), filed on February 17, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

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

This application became abandoned on October 20, 2011 for failure to file a response to the non-Final Office Action mailed July 19, 2011 which set a three month period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed February 16, 2012.

Petitioner asserts unavoidable delay in filing a timely response to the July 19, 2011 non-Final Office Action due to significant medical problems experienced by the Attorney of Record from January 2011 through December 28, 2011. Petitioner argues that "It was physically impossible to provide a timely reply to the Office Action dated July 19, 2011, because of chemotherapy, radiation therapy, and surgery. After being away for four months, rather than the expected four weeks, it has taken time to reconstruct the docket and provide responses in applications nearing abandonment prior to preparing this petition".

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for

failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

- (2) the petition fee as set forth in § 1.17(l);
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3), above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances,

¹In re Matullath, 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).

such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.²

Petitioner asserts significant medical problems of the Attorney of Record before the mailing of Office Action continuing through the period for response and after as the cause of unavoidable delay. A showing of "unavoidable" delay based upon medical incapacitation must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (*e.g.*, correspond with the Office) during the period between July 19, 2011 through the time the petition to revive was filed, February 17, 2012. Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period.

Petitioner is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

The argument and the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a)

As petitioner has presented no showing of unavoidable delay, the petition will be dismissed.

If petitioner does not think that they can provide additional evidence to prevail under the unavoidable standard of review, petitioner may wish to consider filing a petition under

²Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

37 CFR 1.137(b),³ which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

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

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

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

³Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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 Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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GARY COONAN, CEO
STINGER INDUSTRIES LLC
1152 PARK AVENUE
MURFREESBORO, TN 37129

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of :
Coonan et al. :
Application No. 12/072,288 : **DECISION ON PETITION**
Filed: February 25, 2008 :
Attorney Docket No. STINGER - III :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 29, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 29, 2010. Accordingly, the application became abandoned on June 30, 2010.

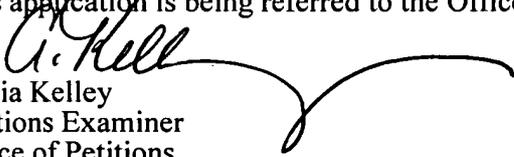
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Petitioner should note that since the Office inadvertently refunded the petition fee of \$810 submitted with the petition, this fee will be charged to the deposit account as authorized.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MICHAEL B. MCNEIL
P.O. BOX 2417
BLOOMINGTON, IN 47402



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HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Disney :
Application No. 12/072,291 : DECISION
Filed/Deposited: 25 February, 2008 :
Attorney Docket No. 011520.00855 :

This is a decision on the petition filed on 16 February, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

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

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

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

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

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

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).

Application No. 12/072,291

As to the Allegations
of Unintentional Delay

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

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the non-final Office action mailed on 30 April, 2010, with reply due absent extension of time on or before 30 July, 2010.

The application went abandoned by operation of law after midnight 30 July, 2010.

The Office mailed the Notice of Abandonment on 23 November, 2010.

On 14 January, 2011, Petitioner filed a Revocation/Power of Attorney.

On 16 February, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of an amendment, and made the statement of unintentional delay.

As noted above, 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.²

*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.*

² See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).⁴

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁵))

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.

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁴ 35 U.S.C. §133 provides:

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

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

⁵ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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 1654 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. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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MICHAEL B. MCNEIL
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON IN 47402-2417

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Coonan et al. :
Application No. 12/072,297 :
Filed: 02/25/2008 :
Attorney Docket Number: STINGER :
- VIII :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on January 17, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 12, 2011, for failure to timely submit the issue fee and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on February 11, 2011, which set a three (3) month statutory period for reply. On May 16, 2011, the issue and publication fees were received. On May 31, 2011, Notice of Abandonment was mailed, stating the issue fee and the publication fee were received after the expiration of the statutory period set in the Notice of Allowance.

Receipt of the petition fee is acknowledged.

The application is referred to the Office of Data Management for Processing into a patent.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Non-Provisional Application Number or Control Number (if applicable): 20072,408	Patent Number (if applicable):
First Named Inventor: Tien Vu	Title of Invention: Method and apparatus for adjusting ...

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

AUS07007. ALPINE. 113AUS

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date April 11, 2011
Name (Print/Typed) Yasuo Muramatsu	Practitioner Registration Number 38,684
Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MURAMATSU & ASSOCIATES
SUITE 310
114 PACIFICA
IRVINE CA 92618**

**MAILED
APR 26 2011
OFFICE OF PETITIONS**

In re Application of :
Vu et al. :
Application No. 12/072,408 : DECISION ON PETITION
Filed: February 26, 2008 :
Attorney Docket No. ALPINE.113AUS :

This is a decision on the request filed April 18, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 15, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 3665 for re-mailing the Office action of February 15, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANCIS AKA-EBILA AKA-ERI
4612 AUTUMN RIDGE DRIVE
COLUMBUS IN 47203

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of :
Francis Aka-Ebila AKA-ERI :
Application No. 12/072,435 : DECISION ON PETITION
Filed: July 17, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 02, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 21, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of September 21, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK NY 10036-7311**

MAILED

MAY 11 2011

OFFICE OF PETITIONS

In re Application of :
Fujii, Osamu :
Application No. 12/072,470 : **ON PETITION**
Filed: February 26, 2008 :
Attorney Docket No. 40723.121730 :

This is a decision on the petition, filed March 17, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance, mailed October 18, 2010, which set a three (3) month statutory period for reply. Accordingly, a reply was due on or before January 18, 2011. A Notice of Abandonment was mailed February 2, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on January 18, 2011, which included the following papers: 1) the Issue Fee Transmittal, and 2) a Check for \$1810.00. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated January 18, 2011, 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 Allowance of October 18, 2010 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 mailed (or transmitted by facsimile) on January 18, 2011.

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



Liana Walsh
Petitions Examiner
Office of Petitions

13 SEP 2010

United States Patent and Trademark Office



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

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Zhou et al.	:	
Application No.: 12/072,496	:	
Filing Date: 25 February 2008	:	DECISION
Attorney Docket No.: 28864-257723	:	
For: Application of 2-Bromide-Isovanillin For The	:	
Manufacture Of A Medicament For Anti-Cancer	:	
Or/ And Radiation/Chemotherapy Sensitization	:	

This is in response to the petition under 37 CFR 1.182 filed on 06 January 2010.

BACKGROUND

This application was filed under 35 U.S.C. 111(a) on 25 February 2008.

International application PCT/CN2006/002191 was filed on 25 August 2006, claimed an earliest priority date of 25 August 2005, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 05 July 2007. The 30 month period for payment of the basic national fee in the U.S. expired as of midnight on 25 February 2008. Said international application became abandoned with respect to the national stage in the U.S. for failure to timely pay the basic national fee.

DISCUSSION

Applicants "petition under 37 C.F.R. § 1.182 to accept an unintentionally delayed claim under 35 U.S.C. § 120 or 365(c) for the benefit of a prior filed international application (PCT/CN2006/002191). 37 CFR 1.182 provides that

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

37 CFR 1.182 applies to "situations not specifically provided for in the regulations..." However, the regulations appear to specifically provide for treatment of the situation in this case. Specifically, 37 CFR 1.78(a)(3) would appear to be pertinent to the facts presented. Though petitioner alludes to the requirements of 37 CFR 1.78(a)(3), the petition specifically seeks relief under 37 CFR 1.182 instead. Petitioner is required to clarify whether relief is in fact being sought pursuant to 37 CFR 1.78(a)(3) as opposed to 37 CFR 1.182. In the event that treatment under 37 CFR 1.182 is desired, petitioner should explain why this would be appropriate, as opposed to treatment under 37 CFR 1.78(a)(3).

DECISION

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

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

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

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



MAILED

JAN 11 2011

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

PCT LEGAL ADMINISTRATION

In re Application of	:	
Zhou et al.	:	
Application No.: 12/072,496	:	DECISION ON PETITION
Filing Date: 25 February 2008	:	
Attorney Docket No.: 28864-257723	:	UNDER 37 CFR 1.78(a)(3)
For: Application of 2-Bromide-Isovanillin For The	:	
Manufacture Of A Medicament For Anti-	:	
Cancer Or/ And Radiation/Chemotherapy	:	
Sensitization	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 11, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed on January 6, 2010.

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 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 petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an

amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition filed on January 6, 2010 contains a proper statement of unintentional delay.

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

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 applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to George Dombroske. 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 1628 for appropriate action on the amendment filed January 6, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MCCARTER & ENGLISH, LLP
BOSTON
265 Franklin Street
Boston MA 02110

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
LIU, JULIE :
Application No. 12/072,501 : DECISION ON APPLICATION
Filed: 02/26/2008 : FOR
Atty Docket No. 4151.1000-002 : PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)" filed July 22, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred four (404) days to three hundred forty-one (341) 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 forty-one (341) 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 three hundred forty-one (341) days.

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

12/072,501 ALPHA 1A-ADRENOCEPTOR ANTAGONISTS 4151.1000-002 08-01-2011::12:20:04

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/072,501

Filing or 371(c) Date:	02-26-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	459
A Delays:	459	PTO Manual Adjustments:	-63
B Delays:	0	Applicant Delays:	55
C Delays:	0	Total PTA Adjustments:	341

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
65	08-01-2011	Adjustment of PTA Calculation by PTO		63	0
58	05-20-2011	Mail Notice of Allowance			0
57	05-19-2011	Office Action Review			0
56	05-19-2011	Office Action Review			0
55	05-19-2011	Issue Revision Completed			0
54	05-19-2011	Notice of Allowance Data Verification Completed			0
53	05-19-2011	Case Docketed to Examiner in GAU			0
52	05-19-2011	Document Verification			0
50	05-16-2011	Allowability Notice			0
47	05-10-2011	Date Forwarded to Examiner			0
46	05-05-2011	Amendment after Final Rejection			0
45	05-02-2011	Change in Power of Attorney (May Include Associate POA)			0
44	04-28-2011	Correspondence Address Change			0
43	03-03-2011	Mail Final Rejection (PTOL - 326)			0
42	02-25-2011	Final Rejection			0
41	08-13-2010	Information Disclosure Statement considered			0
40	01-03-2011	Date Forwarded to Examiner			0
39	12-23-2010	Response after Non-Final Action		55	34

38	12-23-2010	Request for Extension of Time - Granted		0
37	08-13-2010	Reference capture on IDS		0
36	08-13-2010	Information Disclosure Statement (IDS) Filed		0
35	08-13-2010	Information Disclosure Statement (IDS) Filed		0
34	07-29-2010	Mail Non-Final Rejection	459	0.5
33	07-28-2010	Non-Final Rejection		0
30	06-05-2009	Information Disclosure Statement considered		0
29	06-19-2009	Information Disclosure Statement considered		0
27	06-10-2010	Information Disclosure Statement (IDS) Filed		0
26	06-19-2009	Information Disclosure Statement (IDS) Filed		0
25	06-05-2009	Reference capture on IDS		0
24	06-05-2009	Information Disclosure Statement (IDS) Filed		0
23	09-24-2009	Change in Power of Attorney (May Include Associate POA)		0
22	09-18-2009	Correspondence Address Change		0
21	07-08-2009	Change in Power of Attorney (May Include Associate POA)		0
20	06-19-2009	Information Disclosure Statement (IDS) Filed		0
19	06-05-2009	Information Disclosure Statement (IDS) Filed		0
18	03-17-2009	Case Docketed to Examiner in GAU		0
17	01-12-2009	Case Docketed to Examiner in GAU		0
16	01-12-2009	IFW TSS Processing by Tech Center Complete		0
15	01-08-2009	PG-Pub Issue Notification		0
14	10-09-2008	Application Dispatched from OIPE		0
13	09-24-2008	Sent to Classification Contractor		0
12	09-24-2008	Filing Receipt - Updated		0
11	08-21-2008	Payment of additional filing fee/Preexam		0

10	02-26-2008	Claim Preliminary Amendment	0
7	08-21-2008	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
5	03-19-2008	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	03-19-2008	Filing Receipt	0
3	03-05-2008	Cleared by OIPE CSR	0
2	03-03-2008	IFW Scan & PACR Auto Security Review	0
1	02-27-2008	Initial Exam Team nn	0
0.5	02-26-2008	Filing date	0

Close Window



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,523	02/27/2008	Nicolas Desjardins	AUTO/1124	4728

7590 01/13/2012
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
01/13/2012	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 12, 2012

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

In re Application of	:	
Nicolas Desjardins et al.	:	DECISION ON PETITION
Application No. 12072523	:	
Filed: 02/27/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. AUTO/1124	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 27, 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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DANA REWOLDT
SYNGENIA SEEDS INC.
2369 330TH STREET
PO BOX 500
SLATER IA 50244

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of :
Kurt Lindenbaum :
Application No. 12/072,559 : DECISION ON PETITION
Filed: February 27, 2008 :
Attorney Docket No. S07-04KL022755 :

This is a decision on the petition, filed January 5, 2011, which is being treated as a petition, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment (no fee).

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely submit deposit of biological material on or before August 19, 2010, as required in the Notice of Allowance/Notice of Allowability mailed May 19, 2010. A Notice of Abandonment was mailed on August 30, 2010.

The petition states that "An Amendment after Allowance, which is the subject of the Abandonment of this matter, was mailed by Applicant's attorney's office on July 22, 2010, which was timely. However, the Amendment after Allowance inadvertently had a typographical error in the serial number, which resulted in the Amendment being placed in an incorrect file resulting in the Notice of Abandonment being issued." A review of Office records indicates the above and that the papers are placed in the correct file.

Applicant is encouraged to note MPEP 724.05(III) which states:

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

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

Petitioner may request a refund of the petition fee (\$400.00) submitted on January 5, 2011, 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 matter is being referred to Technology Center AU 1638 for consideration by the Examiner in the normal course of business on the reply received July 26, 2010 (certificate of mailing date July 22, 2010).

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,559	02/27/2008	Kurt Lindenbaum	71493_US_NP	5065
30279	7590	01/09/2012	EXAMINER	
DANA REWOLDT Syngenta Biotechnology, Inc. 3054 E. Cornwallis Road Durham, NC 27709			KUMAR, VINOD	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			01/09/2012	ELECTRONIC

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

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ip.sbi@syngenta.com



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DANA REWOLDT
Syngenta Biotechnology, Inc.
3054 E. Cornwallis Road
Durham NC 27709

In re Application of: :
Kurt Lindenbaum : PETITION DECISION
Serial No.: 12/072,559 :
Filed: February 27, 2008 :
Attorney Docket No.: 71493_US_NP :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 13, 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 March 2, 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,562	02/27/2008	Roger McBroom	S07-03JR457071	5050
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			KUMAR, VINOD	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
McBroom et al. :
Serial No.: 12/072,562 : PETITION DECISION
Filed: February 27, 2008 :
Attorney Docket No.: S07-03JR457071 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 2, 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,563	02/27/2008	Kevin Threlkeld	S07-02RM030020	5048
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			KUMAR, VINOD	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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

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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
Kevin Threlkeld :
Serial No.: 12/072,563 : PETITION DECISION
Filed: February 27, 2008 :
Attorney Docket No.: S07-02RM030020 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 2, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,564	02/27/2008	Kurt Lindenbaum	S07-04KL019461	5041
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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

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Dana S. Rewoldt, Esq.
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2369 330th St.
Box 500
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In re Application of:

Kurt Lindenbaum

Serial No.: 12/072,564

Filed: February 27, 2008

Attorney Docket No.: S07-04KL019461

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: PETITION DECISION
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This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,565	02/27/2008	Roger McBroom	S07-04JR000474	5044
30279	7590	01/11/2011	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:
McBroom et al.
Serial No.: 12/072,565
Filed: February 27, 2008
Attorney Docket No.: **S07-04JR000474**

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:
: PETITION DECISION
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This is in response to the petition under 37 CFR § 1.59(b), filed January 6, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,566	02/27/2008	Glenn R. Bowers	S07-02KG242708	5117
30279	7590	11/02/2011	EXAMINER	
DANA REWOLDT			WORLEY, CATHY KINGDON	
Syngenta Biotechnology, Inc.			ART UNIT	
3054 E. Cornwallis Road			PAPER NUMBER	
Durham, NC 27709			1638	
			NOTIFICATION DATE	
			DELIVERY MODE	
			11/02/2011	
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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):

ip.sbi@syngenta.com



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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
Bowers et al. :
Serial No.: 12/072,566 : PETITION DECISION
Filed: February 27, 2008 :
Attorney Docket No.: S07-02KG242708 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,567	02/27/2008	Kurt Lindenbaum	S07-04KL904015	5112
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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

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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:

Kurt Lindenbaum

Serial No.: 12/072,567

Filed: February 27, 2008

Attorney Docket No.: **S07-04KL904015**

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: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 27, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,571	02/27/2008	Donald McClure	S07-03DL052038	5242
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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

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



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DEC 29 2010

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
McClure et al. :
Serial No.: 12/072,571 : PETITION DECISION
Filed: February 27, 2008 :
Attorney Docket No.: S07-03DL052038 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 23, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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OFFICE OF PETITIONS

**NUCLEA BIOTECHNOLOGIES, INC.
P.O. BOX 501
NORTH READING MA 01864**

In re Application of :
MURACA :
Application No. 12/072,651 : **DECISION ON PETITION**
Filed: February 27, 2008 :
Attorney Docket No. NUC-003-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office letter, mailed May 8, 2009. The Office letter set a period for reply of one (1) month from the mail date. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 9, 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/480,076, dated June 8, 2009.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$635 extension of time fee submitted with the petition on October 28, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No 50-5211.

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

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

This application is being referred to Technology Center 1642 for further action by the Examiner within the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DONNA T. WARD
DT WARD, PC
292 MAIN STREET, SUITE 2
GROTON, MA 01450



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

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OFFICE OF PETITIONS

In re Patent of Flanagan et al. :
Patent No. 8,070,797 : DECISION ON REQUEST FOR
Issue Date: December 6, 2011 : RECONSIDERATION OF
Application No. 12/072,666 : PATENT TERM ADJUSTMENT
Filed: February 27, 2008 :
Attorney Docket No. 10527- :
1030001 / 06-00124U :
Title: MEDICAL DEVICE WITH A :
POROUS SURFACE FOR DELIVERY OF :
A THERAPEUTIC AGENT :

This is a decision on the petition filed on February 2, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred four (404) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred sixty-three (163) days.

BACKGROUND

On December 6, 2011, the above-identified application matured into U.S. Patent No. 8,070,797, with a revised patent term adjustment of 262 days. On February 2, 2012, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct

number of days of Patent Term Adjustment is 404. Patentees assert the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentees argue that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on June 22, 2011, thereby closing examination of the application on that date. Thus, Patentees argue no continued examination took place during the 168 day period from June 22, 2011 (the mailing date of the Notice of Allowance) until December 6, 2011 (the date the patent was issued). As such, Patentees maintain that the "B delay" should include the 168 days and be increased from 51 to 219 days.

In addition, in good faith and candor, Patentees disclose the Office failed to enter a 26 day reduction pursuant to 37 CFR 1.704(c)(8) for filing a supplemental response on May 16, 2011, subsequent to a reply filed on April 20, 2011.

Patentees conclude that the correct patent term adjustment is 404 days (the sum of 211 days of "A delay" and 219 days of "B delay" minus 26 days of Applicant delay).

**RELEVANT STATUTE AND REGULATIONS WITH RESPECT TO B DELAY
ARUGMENT**

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

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

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

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

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of

the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

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

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

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

OPINION

Patentees' arguments with respect to the B delay calculation have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 51 days based on the application having been filed under 35 U.S.C. 111(a) on February 27, 2008 and the patent not having issued as of the day after the three year date, February 28, 2011, and a request for continued examination under 132(b) having been filed on April 20, 2011. In other words, the 168 day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

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

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

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

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

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

- (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (2) Abandonment of the application; or
- (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on April 20, 2011, and the patent issued by virtue of that request on December 6, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on June 22, 2011 and ending on December 6, 2011 is not included in calculating Office delay.

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

Patentees are correct that the Office failed to enter a period of reduction pursuant to 37 CFR 1.704(c)(8) in connection with the information disclosure statement (IDS), filed May 16, 2011, after a reply was filed on April 20, 2011. The period of adjustment should have been reduced by 26 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, April 21, 2011, and ending on the date that the supplemental reply was filed, May 16, 2011. Accordingly, a period of reduction of 26 days will be entered.

A review of the image file wrapper for the application reveals a number of reductions that were not considered in the calculation of patent term adjustment. After the mailing of the Notice of Allowance and Fee(s) Due on June 22, 2011, a number of IDSs were filed, specifically on July 1, 2011, July 15, 2011, August 16, 2011, October 5, 2011, October 21, 2011, and November 17, 2011. They are properly bases for reduction of patent term adjustment pursuant to § 1.704(c)(10).

37 CFR § 1.704(c)(10) provides that:

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

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

or

(ii) Four months;

37 CFR 1.704(d) as amended by *Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements*, 76 Fed. Reg. 74700 (December 1, 2011) provides:

Sec. 1.704 Reduction of period of adjustment of patent term.

(d)(1) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to

conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement:

(i) Was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office, and this communication was not received by any individual designated in Sec. 1.56(c) more than thirty days prior to the filing of the information disclosure statement; or

(ii) Is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and this communication was not received by any individual designated in Sec. 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

(2) The thirty-day period set forth in paragraph (d)(1) of this section is not extendable.

All aforementioned IDSs do **not** comply with the amended regulation. All are considered a failure to engage.

Pursuant to 37 CFR 1.704(c)(10), the Office should have entered a period of reduction of 14 days in connection with the filing of an IDS on July 1, 2011, counting the number of days in the period beginning on July 1, 2011, the date the IDS was filed, and ending on and including July 14, 2011, the date the Office mailed a response to the filing. Accordingly a period of reduction of 14 days will be entered in connection with the filing of an IDS on July 1, 2011.

Pursuant to 37 CFR 1.704(c)(10), the Office should have entered a period of reduction of 8 days in connection with the filing of an IDS on July 15, 2011, counting the number of days in the period beginning on July 15, 2011, the date the IDS was filed, and ending on and including July 22, 2011, the date the Office mailed a response to the filing. Accordingly a period of reduction of 8 days will be entered in connection with the filing of an IDS on July 15, 2011.

Pursuant to 37 CFR 1.704(c)(10), the Office should have entered a period of reduction of 4 days in connection with the filing of

an IDS on August 16, 2011, counting the number of days in the period beginning on August 16, 2011, the date the IDS was filed, and ending on and including August 19, 2011, the date the Office mailed a response to the filing. Accordingly a period of reduction of 4 days will be entered in connection with the filing of an IDS on August 16, 2011.

Pursuant to 37 CFR 1.704(c)(10), the Office should have entered a period of reduction of 27 days in connection with the filing of an IDS on October 5, 2011, counting the number of days in the period beginning on October 5, 2011, the date the IDS was filed, and ending on and including October 31, 2011, the date the Office mailed a response to the filing. Accordingly a period of reduction of 27 days will be entered in connection with the filing of an IDS on October 5, 2011.

The reduction in connection with the IDS filed on October 21, 2011 is subsumed in the 27 day reduction listed in the preceding paragraph.

Pursuant to 37 CFR 1.704(c)(10), the Office should have entered a period of reduction of 20 days in connection with the filing of an IDS on November 17, 2011, counting the number of days in the period beginning on November 17, 2011, the date the IDS was filed, and ending on and including December 6, 2011, the date the Office mailed a response to the filing. Accordingly a period of reduction of 20 days will be entered in connection with the filing of an IDS on November 17, 2011.

CONCLUSION

In view thereof, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred sixty-three (163) days, which is 211 days of A delay + 51 days of B delay minus 99 (26 + 14 + 8 + 4 + 27 + 20) days of Applicant delay.

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

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

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

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred sixty-three (163) days**.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

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

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,070,797 B2

DATED : **December 6, 2011**

DRAFT

INVENTOR(S) : Flanagan et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 262 days

Delete the phrase "by 262 days" and insert – by 163 days--



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,679	02/27/2008	Roger McBroom	S07-03JR103829	5086
30279	7590	12/29/2010	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			COLLINS, CYNTHIA E	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			12/29/2010	PAPER

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

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



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DEC 29 2010

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
McBroom et al. : PETITION DECISION
Serial No.: 12/072,679 :
Filed: February 27, 2008 :
Attorney Docket No.: S07-03JR103829 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 2, 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,686	02/26/2008	Rohit Mehrotra	5014-1	5095
32093	7590	12/08/2011	EXAMINER	
HANSRA PATENT SERVICES 4525 GLEN MEADOWS PLACE BELLINGHAM, WA 98226			TRUVAN, LEYNNA THANH	
			ART UNIT	PAPER NUMBER
			2435	
			NOTIFICATION DATE	DELIVERY MODE
			12/08/2011	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):

paul.hansra@hansralaw.com
paulhansra@hotmail.com
kristina@hansralaw.com



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Hansra Patent Services
4525 Glen Meadows Place
Bellingham WA 98226

In re Application of:)
Mehrotra et al.)
Application No. 12/072686) **DECISION ON PETITION**
Filed: February 26, 2008) **UNDER 37 CFR § 1.181**
For: Systems and Methods for Enabling Electronic)
Messaging with Recipient-Specific Content)

This is a decision on the petition filed on December 1, 2011 under 37 C.F.R. § 1.181 to request for withdrawal of the Finality of Office Action mailed November 2, 2011.

The petition is **GRANTED**.

BACKGROUND

On March 18, 2011, a non-Final Office action was issued with 35 USC 102 rejection of all claims.

On July 31, 2011, a response was filed not amending claims 18 and 34. No IDS was filed.

On November 2, 2011, a Final Office action was issued with a 35 USC 103 rejection of claims 18 and 34.

RULES AND PROCEDURES

MPEP § 706.07(a) states in part that:

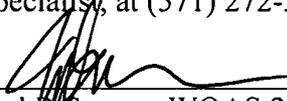
Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during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

DECISION

A review of the file indicates that the new 35 USC 101 rejection was not necessitated by amendment nor based on information submitted in an IDS. Therefore, the Final Office Action issued was premature.

For the above stated reasons, the petition is **GRANTED**. The finality of the Office action mailed November 2, 2011 is hereby removed. The period for response continues to run from the November 2nd office action.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Vu at (571)-272-3859.



Tod R Swann, WQAS 2430
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,728	02/28/2008	David Mies	G08-NPAF4467	5597
	7590	01/03/2011	EXAMINER	
Dana S. Rewoldt, Esq. Syngenta Seeds 2369 330th St. Box 500 Slater, IA 50244			FOX, DAVID T	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			01/03/2011	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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JAN 03 2011

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:

David Mies

Serial No.: 12/072,728

Filed: February 28, 2008

Attorney Docket No.: G08-NPAF4467

:
:
: PETITION DECISION
:
:

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 8, 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,734	02/28/2008	Christopher Clucas	G07-NPID4373	5782
	7590	01/03/2011	EXAMINER	
Dana S. Rewoldt, Esq. Syngenta Seeds 2369 330th St. Box 500 Slater, IA 50244			BUI, PHUONG T	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			01/03/2011	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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Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:
Christopher Clucas :
Serial No.: 12/072,734 : PETITION DECISION
Filed: February 28, 2008 :
Attorney Docket No.: G07-NPID4373 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 1, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,736	02/28/2008	Scott N. Kelly	G07-NPIC3426	5766
	7590	01/03/2011	EXAMINER	
Dana S. Rewoldt, Esq. Syngenta Seeds 2369 330th St. Box 500 Slater, IA 50244			BUI, PHUONG T	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			01/03/2011	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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JAN 03 2011

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
Scott N. Kelly :
Serial No.: 12/072,736 : PETITION DECISION
Filed: February 28, 2008 :
Attorney Docket No.: G07-NPIC3426 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 7, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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PCT LEGAL ADMINISTRATION

Michael J. Urbano
1445 Princeton Drive
Bethlehem PA 18017-9166

In re Application of	:	
FINI et al.	:	
Application No.: 12/072,869	:	DECISION ON PETITION
Filing Date: February 28, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 9-5	:	
Title: BEND INSENSITIVITY IN SINGLE	:	
MODE OPTICAL FIBERS	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed March 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on June 22, 2010.

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

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,886	02/27/2008	Philip R. Moorby	SNPS-0951	5494
36503	7590	01/13/2012	EXAMINER	
PVF -- SYNOPSIS, INC c/o PARK, VAUGHAN, FLEMING & DOWLER LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			FREJD, RUSSELL WARREN	
			ART UNIT	PAPER NUMBER
			2128	
			MAIL DATE	DELIVERY MODE
			01/13/2012	PAPER

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

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



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January 12, 2012

PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Application of :
Philip R. Moorby : **DECISION ON PETITION**
Application No. 12072886 :
Filed: 02/27/2008 :
Attorney Docket No. SNPS-0951 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 27, 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 patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

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



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555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES CA 90013

Paper No.

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,732,553 :
Issue Date: June 8, 2010 :
Application No. 12/072,891 : ON PETITION
Filed: February 28, 2008 :
Attorney Docket No. 1279-479 :
:

This is in response to the PETITION FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323 filed August 25, 2010, 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. This petition was recently forwarded to the undersigned for consideration.

The request is **DISMISSED**.

Pursuant to the issue fee transmittal filed April 21, 2010, the patent issued solely in the name of assignee "The Regents of the University of California." Patentee files this request, requesting that the name of the assignee be corrected to add "Mitsubishi Chemical Corporation, Tokyo, Japan (JP)" and submits a certificate of correction for this purpose.

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.

Patentee's evidence and Office records show that an assignment to "Mitsubishi Chemical Corporation, Tokyo, Japan (JP)" of the above-identified application was not recorded until August 24, 2010. The recording of the assignment (Reel/Frame 024878/0689) occurred after issuance of the patent on June 8, 2010. At issuance, the patent was only assigned to The Regents of the University of California.

In view thereof, the request is dismissed.

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.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,914	02/28/2008	John M. Hallenbeck	4239-83693-33	5536

7590 02/01/2011
KLARQUIST SPARKMAN, LLP (OTT-NIH)
121 S.W. SALMON STREET
SUITE #1600
PORTLAND, OR 97204-2988

EXAMINER

GUCKER, STEPHEN

ART UNIT	PAPER NUMBER
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1649

NOTIFICATION DATE	DELIVERY MODE
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02/01/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 1, 2011

KLARQUIST SPARKMAN, LLP (OTT-NIH)
121 S.W. SALMON STREET
SUITE #1600
PORTLAND OR 97204-2988

In re Application of	:	
John M. Hallenbeck et al.	:	DECISION ON PETITION
Application No. 12072914	:	
Filed: 2/28/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 4239-83693-33	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 28, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch



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YAQI LI
526 CLYDESDALE DRIVE
NEW HOPE PA 18938

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APR 10 2012
OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No. 12/072,949 : ON PETITION
Filed: February 29, 2008 :
Attorney Docket No. ST001 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 16, 2012.

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

37 CFR 1.33(b) states that papers filed in a patent 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.

Here, the instant petition is signed by a "Gary Li". It is not apparent what interest Gary Li has in the instant application. Gary Li is not listed as one of the applicants (inventors) of the application, nor does he appear to be an assignee or a patent practitioner.

Accordingly, on renewed petition, petitioner must present a petition signed by a party as set forth in 37 CFR 1.33(b).

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

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

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

Telephone inquiries 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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/072,951	02/29/2008	Glenn R. Bowers	S06-01KG118459	9592
30279	7590	01/07/2011	EXAMINER	
DANA REWOLDT GARST SEED COMPANY 2369 330TH STREET PO BOX 500 SLATER, IA 50244			COLLINS, CYNTHIA E	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			01/07/2011	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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JAN 07 2011

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of: :
Bowers et al. : PETITION DECISION
Serial No.: 12/072,951 :
Filed: February 29, 2008 :
Attorney Docket No.: S06-01KG118459 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 7, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 6, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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RALPH E. JOCKE
WALKER & JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

MAILED
JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DRUMMOND et al :
Application No.: 12/072,988 : DECISION ON PETITION
Filing Date: February 29, 2008 :
Attorney Docket No.: D-1077 +21 R2 DIV1 :

This is a decision on the petition for a corrected filing receipt and petition under 37 CFR 1.78(a)(3), filed March 22, 2011.

The petitions are **DISMISSED**.

I. Petition for Corrected Filing Receipt

The petition states that applicant satisfied the requirements of 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) with regard to the requirement that the present application contain a specific reference to the priority applications, specifying the relationship between the applications.

As set forth in MPEP 201.11, Section III. "Reference to Prior Application(s)", the proper relationship is continuation, divisional, or continuation-in-part. See also *Official Gazette*, "Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c), 18 March 2003.

The petition states that the requirement that application specify whether a child application is a continuation, divisional, or continuation-in-part is an improper substantive requirement imposed by the Office that is not required by law. The petition cites *Tafas v. Dudas*, 541 F.Supp.2d 805 (E.D.Va. 2008) to support the notion that the Office does not have authority to implement any requirement that affects an applicant's rights or obligations.¹ However, the court in *Tafas v.*

¹ It is noted that the opinion of the court in *Tafas v. Dudas* that the rules at issue were beyond the Office's rulemaking authority was later reversed on appeal by the Court of Appeals for the Federal Circuit ("CAFC"). See *Tafas v. Doll* (559 F.3d 1345, 90 USPQ2d 1129). The decision in *Tafas v. Doll* was subsequently vacated to allow for a rehearing en banc. The Office later withdrew the rules in dispute and obtained a dismissal of its appeal of the decision in *Tafas v. Dudas* by joint motion prior to issuance of a decision en banc on the merits of the appeal.

Dudas held that the Office has the authority to promulgate rules that are procedural. See *Tafas v. Dudas* at 813. In the present case, the requirement that applicant specify whether a child application is a continuation, divisional, or continuation-in-part is merely a procedural one and is not in conflict with 35 U.S.C. 120.

Because applicant did not properly specify the relationship of the present application to the prior applications, correction of the filing receipt without a corresponding addition/correction of the priority claim would not be appropriate.

II. 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 does not satisfy item (1) above.

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

Furthermore, MPEP 201.11, Section III. C., "Benefit Claims to Multiple Prior Applications", states in relevant part,

Sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application. 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. (Emphasis added.)

The present application claims priority to U.S. provisional application 60/149,765 through intermediate application 09/638,848. However, a review of the application 09/638,848 reveals that application 09/638,848 does not contain a proper reference to provisional application 60/149,765.

Before the petition under 37 CFR 1.78(a)(3) can be granted the above matters must be corrected.

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



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
571-272-3303



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

RALPH E. JOCKE
WALKER & JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

MAILED
AUG 04 2011
PCT LEGAL ADMINISTRATION

In re Application of :
DRUMMOND et al :
Application No.: 12/072,988 : **DECISION ON PETITION**
Filing Date: February 29, 2008 :
Attorney Docket No.: D-1077 +21 R2 DIV1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

Under 37 CFR 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

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

With regard to item (i), 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).

With regard to item (ii), the surcharge set forth in 37 CFR 1.17(t) has been submitted.

With regard to item (iii), the petition contains a proper statement of unintentional delay.

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **GRANTED**.

Applicant is advised that the granting of a petition under 37 CFR 1.78(a)(3) or the inclusion of a prior-filed application on any Filing Receipt should not be construed as meaning that the application is necessarily entitled to the benefit of the prior-filed application. In order for an application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78 must be met. The examiner will, in due course, determine whether this application is entitled to the benefit of an earlier filing date.

This matter is being referred to Technology Center Art Unit 2887 for appropriate action, including consideration by the examiner of applicant's entitlement to the benefit of priority under 35 U.S.C. 119(e) and 120 to the prior-filed applications.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
571-272-3303

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/072,988, 02/29/2008, 2887, 1900, D-1077 +21 R2 DIV1, 20, 1

CONFIRMATION NO. 6433

CORRECTED FILING RECEIPT



28995
RALPH E. JOCKE
Walker & Jocke
231 SOUTH BROADWAY
MEDINA, OH 44256

Date Mailed: 08/04/2011

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

Applicant(s)

Jay Paul Drummond, Massillon, OH;
Mark D. Smith, North Canton, OH;
Michael A. Meffie, North Canton, OH;
Daniel D. Wasil, Wellington, OH;

Assignment For Published Patent Application

Diebold Self-Service Systems division of Diebold, Incorporated, North Canton, OH

Power of Attorney: The patent practitioners associated with Customer Number 28995

Domestic Priority data as claimed by applicant

This application is a DIV of 10/430,123 05/05/2003 ABN
which claims benefit of 60/378,705 05/07/2002
and claims benefit of 60/423,756 11/05/2002
and is a CIP of 09/638,848 08/14/2000 PAT 7,080,036
which claims benefit of 60/149,765 08/19/1999
and said 10/430,123 05/05/2003
is a CIP of 09/578,291 05/25/2000 PAT 7,603,302
which claims benefit of 60/144,761 07/20/1999
and said 10/430,123 05/05/2003
is a CIP of 09/193,787 11/17/1998 PAT 7,624,050
which claims benefit of 60/095,626 08/07/1998
and is a CIP of 09/077,337 05/27/1998 PAT 7,567,924
which is a 371 of PCT/US97/21422 11/25/1997
and said 09/193,787 11/17/1998
claims benefit of 60/091,887 07/07/1998
and said PCT/US97/21422 11/25/1997

claims benefit of 60/031,956 11/27/1996
and said 09/193,787 11/17/1998
claims benefit of 60/098,907 09/02/1998
and claims benefit of 60/095,626 08/07/1998

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: 03/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/072,988**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Automated banking machine that operates responsive to data bearing records

Preliminary Class

235

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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THE VILLHARD PATENT GROUP
11411 RESEARCH BLVD
SUITE 1537
AUSTIN, TX 78759-2469

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Robert Eugene Riggs
Application No. 12/072,993
Filed: February 29, 2008
Attorney Docket No. RIGG-1001

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 5, 2011.

The request is **APPROVED**.

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

The request was signed by Robert Villhard on behalf of all attorneys of record who are associated with customer No. 94699. All attorneys/agents associated with the Customer Number 94699 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

cc: ROBERT E. RIGGS
2739 O'DANIEL
SEGUIN, TX 78155



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/072,993	02/29/2008	Robert Eugene Riggs	

94699
The Villhard Patent Group
11411 Research Blvd.
Suite 1537
Austin, TX 78759-2469

CONFIRMATION NO. 6144
POWER OF ATTORNEY NOTICE



Date Mailed: 06/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2011.

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

/amwise/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,111	02/29/2008	Tomohiro Takahashi	2018-1925	5955
23117	7590	04/18/2011	EXAMINER	
NIXON & VANDERHYE, PC			MURSHED, NAGI	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203			4132	
			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

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

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



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APR 18 2011

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

In re application of
Tomohiro Takahashi
Application No. 12/073,111
Filed: February 29, 2008
For: ABNORMALITY DIAGNOSIS
SYSTEM AND CONTROL
SYSTEM FOR INTERNAL
COMBUSTION ENGINE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 24, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed March 24, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/14/11



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STEVEN W. WEINRIEB
LAW OFFICE OF STEVEN W. WEINRIEB
8717 COLD SPRING ROAD
POTOMAC, MD 20854

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of :
Joseph S. ADAMS :
Application No. 12/073,139 : DECISION GRANTING PETITION
Filed: February 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **71-969-1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 3783 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement:

/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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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Erik Janzen, et al. :
Application No. 12/073,146 : DECISION GRANTING PETITION
Filed: February 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 31257-257030 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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 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 1714 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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BEST MEDICAL INTERNATIONAL
7643 FULLERTON ROAD
SPRINGFIELD, VA 22153

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of
Abdelhamid Saoudi, et al.
Application No. 12/073,189
Filed: March 3, 2008
Attorney Docket No. AP1277US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 25, 2010 and resubmitted June 29, 2010.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Thomas Adams does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

cc: OTTAWA HOSPITAL/L'HOPITAL D'OTTAWA
501 SMTH ROAD
OTTAWA ON K1H 8L6 CA



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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

JAN 3 1 2012

In re Patent No. :
8,057,229 :
Application No. 12/073,217 :
Filing Date: March 3, 2008 :
Issue Date: November 15, 2011 :
Attorney Docket No. 10400-000367/US :

OFFICE OF PETITIONS

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 4, 2012, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 8,057,229 on November 15, 2011. Petitioner contends, however, that the patent was never received and it is presumed lost in the mail.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was never received. The Office of Data Management is directed to issue duplicate Letters of Patent.

The petition fee of \$400.00 was received on January 5, 2012.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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



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

MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
JALKANEN et al	:	
Application No.: 12/073,451	:	
Filing Date: 05 March 2008	:	
Attorney's Docket No.: 2278.0020002/MAC	:	
For: COMMON LYMPHATIC ENDOTHELIAL...	:	
AND USES THEREOF	:	37 CFR 1.181

This Decision is in response to applicant's "PETITION UNDER 37 CFR 1.181for PTO Error" filed on 09 September 2010, which requests corrections to the Electronic File Wrapper record.

The petition under 37 CFR 1.181 is **GRANTED** as follows:

A review of the application file record shows that on 05 March 2008, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, *inter alia*, an application data sheet identified that PCT/FI03/00010 claimed the benefit to U.S. provisional application 60/346,288, filed on 01-09-2002. As such, the benefit claim was timely submitted under 37 CFR 1.78(a).

In addition, the filing receipt lists the correct information and shows the benefit claims. Accordingly, the electronic file wrapper record will be corrected to reflect the benefit claim to provisional application 60/346,288.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,476	03/06/2008	Hiroshi Oono	01-1665	8294
23400	7590	04/07/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			NOLAN, PETER D	
			ART UNIT	PAPER NUMBER
			3661	
			NOTIFICATION DATE	DELIVERY MODE
			04/07/2011	ELECTRONIC

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

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

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

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



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Commissioner for Patents
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APR - 6 2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re application of
Hiroshi Oona
Application No. 12/073,476
Filed: March 06, 2008
For: NAVIGATION APPARATUS FOR
VEHICLE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 22, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

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

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

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A Non-Final Rejection was mailed March 14, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/05/11

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12073489
Filing Date	06-Mar-2008
First Named Inventor	Yoshinori Murakami
Art Unit	2814
Examiner Name	SUIAN TANG
Attorney Docket Number	040302-0741
Title	SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

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

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

A grantable petition requires the following items:

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

Petition Fee

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

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Glenn Law/
Name	Glenn Law
Registration Number	34371



UNITED STATES 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 17, 2012

In re Application of :

Yoshinori Murakami

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12073489

Filed : 06-Mar-2008

Attorney Docket No : 040302-0741

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 17, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2814 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/073,531 03/06/2008 Jyun-Jie Yang 4448-0315PUS1 8763

7590 01/25/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Table with 1 column: EXAMINER
HERNANDEZ, JESUS J

Table with 2 columns: ART UNIT, PAPER NUMBER
2629

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE
01/25/2011 ELECTRONIC

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

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

The petition is granted.

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

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

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/29/11

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No. 12073538 Paper No. 7879329

CoC mailroom date: 03/21/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
 Randolph Square 9D40-D
 Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____



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MAILED

DEC 22 2010

OFFICE OF PETITIONS

CONWELL LAW LLC
2101 DEFENSE HIGHWAY
SUITE 4
CROFTON MD 21114

In re Application of :
Nikita Albritton :
Application No. 12/073,574 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 0088.010002US :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 30, 2010.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

The above-identified application became abandoned for failure to timely file a reply to the final Office action mailed on May 6, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 7, 2010. The Office mailed a Notice of Abandonment on November 10, 2010.

Petitioner states that he did not receive the May 6, 2010 Office action "probably because we have moved our office." A review of

the May 6, 2010 Office action reveals that it was properly addressed to the correspondence address of record at that time (2138 Priest Bridge Court, Suite 4, Crofton, Maryland).

To establish non-receipt of an Office action, a petitioner:

must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.¹

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of 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.

While the showing of record is not sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition to revive under 37 CFR 1.137.

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

¹ MPEP 711.03(c).

Application No. 12/073,574

Page 3

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONWELL LAW LLC
2101 DEFENSE HIGHWAY
SUITE 4
CROFTON MD 21114

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of :
Nikita Albritton :
Application No. 12/073,574 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 0088.010002US :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 22, 2011.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

The above-identified application became abandoned for failure to timely file a reply to the final Office action mailed on May 6, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 7, 2010. The Office mailed a Notice of Abandonment on November 10, 2010. Applicant filed a petition to withdraw the holding of abandonment on November 30, 2010. However, the petition was dismissed in a decision mailed on December 22, 2010.

In the petition filed November 30, 2010, Petitioner stated that he did not receive the May 6, 2010 Office action "probably because we have moved our office." With the instant renewed petition, petitioner states that he notified the USPTO of his change of address in another application on June 10, 2009. However, petitioner has not provided any evidence that he timely changed the correspondence address with respect to the instant application.

Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), petitioner must include an adequate showing that a **timely notification of the change of address was filed** in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of change of address.¹

A review of the May 6, 2010 Office action reveals that it was properly addressed to the correspondence address of record at that time (2138 Priest Bridge Court, Suite 4, Crofton, Maryland). Accordingly, any petition to withdraw the holding of abandonment would need to show that Petitioner timely notified the Office to forward correspondence with respect to this application to that address, and despite such notification, the Office action was still not received.

While the showing of record is not sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition to revive under 37 CFR 1.137.

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

¹ See MPEP 601.01; See also Ray. v. Lehman, 55 F.3d 606, 34 U.S.P.Q. 2d 1786 (CAFC 1995).



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SUITE 4
CROFTON MD 21114

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Nikita Albritton :
Application No. 12/073,574 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 0088.010002US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 16, 2011.

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)".

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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition does not meet requirement (2) above. Petitioner has not submitted the petition fee, and as such, the petition will not be considered on the merits at this time.

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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SUITE 4
CROFTON MD 21114

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Nikita Albritton :
Application No. 12/073,574 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 0088.010002US :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed April 1, 2011.

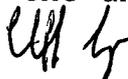
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the final Office action mailed on May 6, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 7, 2010.

With the instant petition, applicant paid the petition fee. Applicant previously made the proper statement of unintentional delay and filed the required reply in the form of an Amendment on March 16, 2011.

The application is being forwarded to Group Art Unit 3765 for consideration of the Amendment filed March 16, 2011.

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


Cliff Congo
Petitions Attorney
Office of Petitions



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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.
12/073,635	03/07/2008	Ganapavarapu V.R. Sharma	135980	1090

7590 11/30/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

WILSON, JAMES O

ART UNIT	PAPER NUMBER
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1624

NOTIFICATION DATE	DELIVERY MODE
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11/30/2010

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.

Patent Publication Branch
Office of Data Management

Patent Publication Branch
Office of Data Management

Patent Publication Branch
Office of Data Management

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/073,675	Patent Number (if applicable):
First Named Inventor: Naoyuki Yoshida	Title of Invention: Cosmetic ingredient and cosmetic composition containing the same

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /KOH/	Date MAY 2, 2011
Name (Print/Typed) KIRK HAHN	Practitioner Registration Number 51763
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

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

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

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



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**HOGAN LOVELLS US LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004**

**MAILED
MAY 04 2011
OFFICE OF PETITIONS**

In re Application of :
Yoshida et al. :
Application No. 12/073,675 : **DECISION ON PETITION**
Filed: March 7, 2008 :
Attorney Docket No. 19629-0065 :

This is a decision on the request filed May 2, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 27, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1611 for re-mailing the Office action of January 27, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Yu, et al. :
Application No. 12/073,736 : DECISION ON PETITION
Filed: March 10, 2010 : UNDER 37 CFR 1.55(c)
Attorney Docket No. YUKU3004/REF :

This is a decision on the petition under 37 CFR 1.55(c), filed February 11, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Application No. 200710091713.3 (China), filed March 29, 2007.

The petition is **DISMISSED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This instant petition fails to satisfy requirement (2) set forth above. While a Supplemental Application Data Sheet has been presented, the Supplemental Data Sheet is not signed. Accordingly, it fails to satisfy 37 CFR 1.33(b) which states that “[a]mendments 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.

This application is being returned to Technology Center AU 2811.

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Yu, et al. :
Application No. 12/073,736 : DECISION ON PETITION
Filed: March 10, 2010 : UNDER 37 CFR 1.55(c)
Attorney Docket No. YUKU3004/REF :

This is a decision on the petition under 37 CFR 1.55(c), filed May 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Application No. 200710091713.3 (China), filed March 29, 2007.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on March 10, 2008, which is after November 29, 2000 and within 12 months of March 29, 2007 (the filing date of the foreign application to which benefit is now being claimed). On May 18, 2011, a supplemental application datasheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) 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. § 119(a)-(d) and 37 CFR 1.55(a)(1) 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 foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2811 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/073,736, 03/10/2008, 2811, 1340, YUKU3004/REF, 22, 4

CONFIRMATION NO. 1173

CORRECTED FILING RECEIPT



23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Date Mailed: 06/13/2011

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

Applicant(s)

Kuo-Hui Yu, Hsinchu, TAIWAN;
Yu-Cheng Yang, Hsinchu, TAIWAN;
An-Ru Lin, Hsinchu, TAIWAN;
Tsun-Kai Ko, Hsinchu, TAIWAN;
Wei-Shou Chen, Hsinchu, TAIWAN;
Yi-Wen Ku, Hsinchu, TAIWAN;
Cheng-Ta Kuo, Hsinchu, TAIWAN;

Assignment For Published Patent Application

EPISTAR CORPORATION, Hsinchu, TAIWAN

Power of Attorney:

J Kenney--19179 Richard Fichter--26382
Eric Spector--22495 Thomas Moore--28974
Felix D'Ambrosio--25721 Chung Chin Chen--31725
George Loud--25814 Benjamin Urcia--33805
Eugene Mar--25893

Domestic Priority data as claimed by applicant

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.)
CHINA 200710091713.3 03/29/2007

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 12/073,736**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

LIGHT EMITTING DIODE AND MANUFACTURING METHOD THEREOF

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Sheng-Hsiung Cheng :
Application No. 12/073,797 : DECISION ON PETITION
Filed: March 10, 2008 :
Attorney Docket No. 5545/0359PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), 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 June 25, 2008. The Notice of Abandonment was mailed 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 the basic filing fee, the surcharge, the search fee and the examination fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Joe McKinney Muncy**
PO Box 1364
Fairfax, VA 22038-1364



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,815	03/11/2008	Nagako Matsuno	01-1672	2113

23400 7590 04/15/2011
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

DAGER, JONATHAN M

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
04/15/2011	ELECTRONIC

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

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

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

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re application of Matsuno et al.
Application No. 12/073,815
Filed: March 11, 2008
For: MAP DISPLAY CONTROLLER AND COMPUTER READABLE MEDIUM INCLUDING INSTRUCTIONS FOR DISPLAYING MAP IMAGE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed March 11, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/14/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,874	03/11/2008	Simon Tam	129956.02	2052

7590 03/03/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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03/03/2011

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,879	03/11/2008	Alfonso Izquierdo Garcia	2585-0133PUS2	1380

2292 7590 02/08/2012
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KESSLER, CHRISTOPHER S

ART UNIT	PAPER NUMBER
1733	

1733

NOTIFICATION DATE	DELIVERY MODE
02/08/2012	ELECTRONIC

02/08/2012

ELECTRONIC

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

mailroom@bskb.com



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Mailed : 2/18/12

In re Application of
Garcia et al.

Serial No. 12/073,879

Filed: March 11, 2008

For: SEAMLESS STEEL TUBE FOR USE AS A
STEEL CATENARY RISER IN THE TOUCH
DOWN ZONE

: DECISION ON
: PETITION

:
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on October 7, 2011.

The Examiner initially required a restriction between Group I, claims 1-10, 14 and 15, drawn to a seamless steel pipe, classified in class 148, subclass 334 and Group II, claims 11-13 drawn to a method of making a seamless steel pipe, classified in class 148, subclass 593. The Examiner determined that inventions I and II were related as process of making and product made.

MPEP Section 806.05(f) states : *A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make another materially different product; or (B) that the product as claimed can be made by another materially different process.*

Allegations of different processes or products need not be documented.

A product defined by the process by which it can be made is still a product claim (In re Bridgeford, 357 F.2d 679, 149 USPQ 55 (CCPA 1966)) and can be restricted from the process if the examiner can demonstrate that the product as claimed can be made by another materially different process; defining the product in terms of a process by which it is made is nothing more than a permissible technique that applicant may use to define the invention.

If applicant convincingly traverses the requirement, the burden shifts to the examiner to document a viable alternative process or product, or withdraw the requirement.

The Examiner determined that the pipe as claimed can be made by another and materially different process, such as upsetting in one step, or upsetting without machining, or machining a solid billet of steel and heat treating, and the method can be



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used to make another and materially different product such as a seamed steel tube or a pipe with different properties.

Applicants elected with traverse Group I, claims 1-10, 14 and 15. Applicants assert that the invention only requires upsetting the tube ends in multiple steps with intermediate heating cycles and this process clearly reads on, or includes, the allegedly materially different methods. Applicants further state that the method cannot be used to make another and materially different product because the method as claimed is limited to making a seamless steel pipe which by definition, cannot be a seamed pipe.

The Examiner responded to Applicants' arguments that upsetting in multiple steps excludes a process of upsetting in one step or machining a solid billet without upsetting. The Examiner states that Applicants have not explained how upsetting in multiple steps includes upsetting in one step or a process without upsetting. The Examiner further asserts that the method could easily be applied to a seamed pipe by one of ordinary skill in the art.

Applicants in their petition argue that the MPEP Section 806.05(f) states that Process and Apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process *as claimed* can be practiced by another materially different apparatus or by hand; or (B) that the apparatus *as claimed* can be used to practice another materially different process. However MPEP Section 806.05(f) is drawn to a Process of Making and Product Made, which requirements for distinction are set forth above. Applicant asserts that the examiner failed to follow the explicit requirements of the MPEP, however Section 806.05(f) clearly states that a product and a process for making a product may be restricted if the examiner can demonstrate that the product as claimed can be made by another materially different process or if the process as claimed can be used to make another materially different product. The examiner met this requirement, demonstrating that the claimed pipe of group I could be made by another materially different process than that of Group II in the restriction set forth on 12/27/2010, i.e., by upsetting in one step, or upsetting without machining, or machining a solid billet of steel and heat treating. Applicant disagrees because as claimed the invention only requires upsetting the tube ends in multiple steps. This, however, is what is claimed and encompassed by the method of Group II, and is not a requirement of the product of Group I, which product may be obtained by different methods. Similarly, the examiner demonstrated that the method of Group II may be used to make another materially different product such as a seamed tube or a pipe with different properties. Applicant disagrees because as claimed a pipe with materially different properties is not the pipe claimed. However, the method of Group II does not require a pipe with specific properties. The language *A method for manufacturing a seamless steel tube...* does not alter the fact that while the method must be able to



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make the seamless pipe, the method may be used to make other materially different products. Therefore, the position of the Examiner is reasonable. Applicants have not convincingly traversed the requirement nor shifted the burden to the examiner to document a viable alternative process or product, or withdraw the requirement.

Applicant further asserts that there is no serious search and burden. For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant. While applicant questions whether search burden has been established via separate classification and divergent subject matter, applicant has not provided showings or evidence to establish lack of search burden.

A proper field of search normally includes the subclass in which the claimed subject matter of an application would be properly classified. The classification set forth by the Examiner between Group I and II was proper.

DECISION

The petition is **DENIED**.

Yvonne Eyler
Director, Technology Center 1700
Chemical and Materials Engineering

wk

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



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/073,921	03/12/2008	Robert M. Vidlund	PVI-6150C4	3906
30452	7590	03/04/2011	EXAMINER	
EDWARDS LIFESCIENCES CORPORATION LEGAL DEPARTMENT ONE EDWARDS WAY IRVINE, CA 92614			SWEET, THOMAS	
			ART UNIT	PAPER NUMBER
			3779	
			MAIL DATE	DELIVERY MODE
			03/04/2011	PAPER

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

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



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EDWARDS LIFESCIENCES CORPORATION
LEGAL DEPARTMENT
ONE EDWARDS WAY
IRVINE CA 92614

In re Application of:
VIDLUND, ROBERT M. et al.
Serial No. 12/073,921
Filed: March 12, 2008
Docket: PVI-6150C4

DECISION ON PETITION
UNDER 37 CFR § 1.181

Title: DEVICES AND METHODS FOR
HEART VALVE TREATMENT

This is a decision on the petition filed Feb. 16, 2011 petitioning the Director under 37 CFR § 1.181 for withdrawal of a requirement for information or, alternatively, acceptance of submitted information as a complete response satisfying the requirement under 37 CFR § 1.105.

The petition is denied.

Background

The examiner assigned the application mailed a 37 CFR § 1.105 requirement to applicants on March 18, 2010 requiring applicants to disclose all co-pending applications and related patents to the application being examined and identify the specific claims of those applications and/or patents which may present double patenting issues with the instant application claims. The examiner cites twenty-three applications and patents that the examiner presently is aware of and believes may be related and have overlapping subject matter. The examiner makes the requirement on the basis that applicants or the assignee are presumably far more cognizant of the contents of the claims in these applications than any Office staff, and has access to the source documents by which comparisons could be done better than within the Office for the examiner to thereby determine the commonality among the claims by this information. In response, on August 16, 2010, the applicant disclosed and submitted forty-one patents and twelve pending applications for the examiner to review. On December 17, 2010, the examiner mailed an Office action holding the response of August 16, 2010 was non-responsive because the applicant failed to identify the specific claims of those applications and patents which may present double patenting issues. On February 16, 2011, the current petition was filed.

Petitioner submits that the examiner's requirement is beyond the scope 37 CFR § 1.105. It is petitioner's position that the Examiner is requiring more than facts or factual information as intended by 37 CFR § 1.105 but is instead requiring an opinion by requiring an evaluation of the

claims of any of the listed and to be listed applications and patents that may be related with respect to statutory or obviousness-type double patenting.

Discussion

MPEP 704.11 states “[T]he terms “factual” and “facts” are included in 37 CFR § 1.105 to make it clear that it is facts and factual information, that are known to applicant, or readily obtained after reasonable inquiry by applicant, that are sought, and that requirements under 37 CFR § 1.105 are not requesting opinions that may be held or would be required to be formulated by applicant.” This section further states “[T]he purpose of 37 CFR § 1.105 is to improve patent quality, and render better decisions, and not to put applicants in jeopardy of meeting their duties of candor and good faith in their replies to a requirement for information.”

From a recent Federal Circuit decision:

Scope of information that may be required from applicant by patent examiner pursuant to 37 C.F.R. §1.105 encompasses information relevant to patent examination either procedurally or substantively, and includes zone of information beyond that defined by 37 C.F.R. §1.56 as material to patentability, and beyond that which is directly useful to support rejection or conclusively decide issue of patentability, since Section 1.105(a)(1) states that PTO may “require the submission ... of such information as may be reasonably necessary to properly examine or treat the matter”[.] *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (Fed. Cir. 2005).

Duty of candor embodied in 37 C.F.R. §1.56 does not give patent applicant power to refuse requirement for information under 37 C.F.R. §1.105, since neither regulation states that response to such requirement may be limited, at applicant's discretion, to whatever applicant believes it might be affirmatively required to submit under Section 1.56, since language in Section 1.105(a)(1), which permits PTO to “require the submission ... of such information as may be reasonably necessary to properly examine or treat the matter,” expressly states that PTO, not applicant, controls scope of requirement for information, and since scope of information that may be required under Section 1.105 is broader than information that applicant is duty bound to provide under Section 1.56. *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (Fed. Cir. 2005).

United States Patent and Trademark Office can use requirement for information under 37 C.F.R. §1.105 to compel disclosure of information that patent examiner deems pertinent to patentability, even if applicant disagrees with examiner concerning significance of information to ultimate question of whether application discloses patentable subject matter, since PTO is clearly entitled to use Section 1.105 to seek information that may support rejection, and since examiner is charged with duty of deciding whether patent should issue from application, and so long as examiner's request for information is not arbitrary or capricious, applicant cannot impede examiner's performance of that duty by refusing to comply with information requirement that proceeds from examiner's view of scope of law to be applied to application. *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (Fed. Cir. 2005).

If an applicant were required to make an admission that the claims of one application or patent read on the claims of another, it would appear that this would be beyond the scope of 37 CFR § 1.105. However, in the present situation, applicants are not being asked this but to identify claims that *may* present double patenting issues. Applicants would be making comparisons to identify similarities in the claims. This is not an admission that the claims conflict. The Examiner still will determine this. The applicants would be identifying observed facts and then the Examiner would render an opinion from these facts. Thus, an opinion is not being required. Nevertheless, it appears that the court considers forms of opinion relevant and within the authority of the Examiner to require.

...Other requirements for information are also foreseeable under the “reasonably necessary to properly examine or treat the matter” standard. For instance, it might be reasonably necessary for the Office to require an explanation of technical material in a publication, such as one of the inventor’s publications, or require the applicant’s comments on a recent Federal Circuit opinion and how that opinion affects examination. ... The final rule permits that “the examiner or other Office employee may *require the submission* ... of such information as may be reasonably necessary to properly examine or treat the matter.” 37 C.F.R. 1.105(a) (1) (emphasis added) *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (Fed. Cir. 2005).

Through notice and comment rulemaking the Office made explicit the inherent authority of Office employees to require information from an applicant. The goal is to “encourage” employees to use that power to “perform the best quality examination possible.” *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (Fed. Cir. 2005).

Opinion is clearly permitted. For that matter, when an applicant cites any reference for consideration before the examiner, is that not opinion as to what is believed material to patentability under 37 CFR § 1.56. When the examiner requires submission of information under 37 CFR § 1.105 that may be material to patentability, isn’t an applicant making an opinion of judgment for factual information that may be material to patentability? The information “improve[s] patent quality, and render[s] better decisions” (MPEP 704.11) but does not put applicants in jeopardy of meeting their duties of candor and good faith under 37 CFR § 1.56 in their replies to a requirement for information under 37 CFR § 1.105.

Conclusion

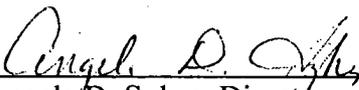
Ultimately, the purpose in requiring applicants to identify claims in the identified and yet to be identified related applications and patents is to improve the quality of examination by the examiner with respect to statutory and obviousness-type double patenting particularly in view of the significant number of applications and patents involved. In view thereof, the examiner’s requirement as stated in the Office action of December 17, 2010 is not seen as unreasonable and is seen as within the scope of 37 CFR § 1.105. The Office action mailed on December 17, 2010 stands.

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). 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. 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" and directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02(b).

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3779 awaiting a response to the outstanding Office action mailed on December 17, 2010.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DENIED.



Angela D. Sykes, Director
Technology Center 3700



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Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

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NOV 26 2010

OFFICE OF PETITIONS

In re Application of
Shunpei YAMAZAKI
Application No. 12/073,926
Filed: March 12, 2008
Attorney Docket No. 0756-8235

DECISION ON PETITION
TO EXPUNGE

This is a decision on the petition to expunge a document, filed June 24, 2010, that is being treated under the provisions of 37 CFR 1.59(b).

The petition to expunge is **GRANTED**.

The petitioner is requesting the expungement of a set of documents identified on page one of the instant petition, stating that “[d]ue to a clerical error, these papers were inadvertently electronically filed in the present application.”

A review of the Office records of the instant application indicates that the documents that are being sought to be expunged were submitted via Office’s Electronic Filing System (EFS) on June 23, 2010. As stated in the instant petition, two of the documents had the serial number of the other application they were intended for. However, as indicated by the EFS Acknowledgement Receipt dated June 23, 2010, these were inadvertently submitted for consideration in the instant application.

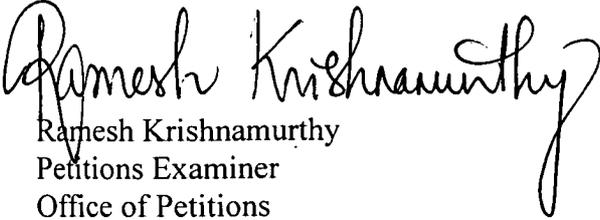
As set forth in MPEP § 724.05, paragraph III, the granting of a petition to expunge information submitted in an incorrect application will be governed by “the factors enumerated in paragraph II of this section in regard to the unintentional submission of information”. The instant petition satisfies the relevant factors from those listed in MPEP § 724.05, paragraph II.

In view of the above, the petition to expunge has been **GRANTED**.

The documents that were requested to be removed have been expunged from the instant application. As of mailing date of this decision, the corresponding images of the expunged

documents in IFW have been "closed" thereby removing them from a list of publicly available documents associated with this application.

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


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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Date: 02/28/11

Patent No. : 7791704 B2
Ser. No. : 12/073,943
Inventor(s) : Abe
Issued : **September 07, 2010**
Title : Liquid crystal display panel
Docket No. : **HITA.1098**

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

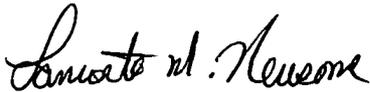
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

LMN



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JUN 28 2011

OFFICE OF PETITIONS

JUAN CARLOS A MARQUEZ
C/O STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314-1437

In re Patent No. 7,791,704 :
Issue Date: September 7, 2010 :
Application No. 12/073,943 : DECISION ON PETITION
Filed: March 12, 2008 :
Attorney Docket No. HITA-1098 :

This is a decision on the petition under 37 CFR 3.81(b), filed June 9, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

¹ See 37 CFR 3.81.

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$130 processing fee and \$100 fee for the Certificate of Correction is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12073946
Filing Date	12-Mar-2008
First Named Inventor	Keiichi Matsuzawa
Art Unit	2116
Examiner Name	STEFAN STOYNOV
Attorney Docket Number	TMIA.0119
Title	STORAGE SYSTEM AND POWER CONSUMPTION REDUCTION METHOD FOR THE SAME

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

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

A grantable petition requires the following items:

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

Petition Fee

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

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Steven J. Gelman/
Name	Steven J. Gelman
Registration Number	41034



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

Decision Date : August 25,2011

In re Application of :

Keiichi Matsuzawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12073946

Filed : 12-Mar-2008

Attorney Docket No : TMIA.0119

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

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2116 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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Paper No.

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

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Pedersen et al. : DECISION ON APPLICATION
Application No. 12/074,056 : FOR
Filed: February 29, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 2488.0070003/ :
EKS/JBF :

This is a decision on the "Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. §1.705(b)," filed September 28, 2010. Applicants request that the initial determination of patent term adjustment be corrected from two (2) days to sixty (60) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is SIXTY (60) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On August 12, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 2 days. On September 28, 2010, applicants timely¹ submitted an application for patent term adjustment (with required fee). Applicants dispute the reduction of 58 days associated with a supplemental response filed on July 22, 2010. Applicants maintain that the response falls within the exception

¹ The Issue Fee payment was also received on September 28, 2010.

enumerated under 37 CFR 1.704(c)(8) as "a supplemental reply or other paper expressly requested by the examiner."

Applicants state that the above-indicated application is not subject to a terminal disclaimer.

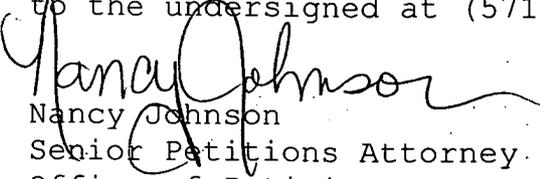
The calculation of patent term adjustment has been reviewed and it has been determined that with respect to the period of reduction of 58 days, applicants are correct. Entry of a period of reduction of 58 days pursuant to 37 CFR 1.704(c)(8), for the filing of a supplemental response on July 22, 2010, is not warranted. The record supports a conclusion that the amendment filed July 22, 2010 was expressly requested by the examiner (see interview summary dated August 12, 2010 on interview of July 12, 2010).

Given the removal of the period of reduction of 58 days, the correct determination of PTA at the time of the mailing of the notice of allowance is SIXTY (60) days.

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

The application is being forwarded to the Office of Data Management for issuance of the application. 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) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PALM calculation.

PALM INTRANET

Day : Sunday
Date: 1/2/2011
Time: 23:21:24

PTA Calculations for Application: 12/074056

Application Filing Date:	02/29/2008	PTO Delay (PTO):	149
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	147
Post-Issue Petitions:	0	Total PTA (days):	60
PTO Delay Adjustment:	58		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
75	01/02/2011	ADJUSTMENT OF PTA CALCULATION BY PTO	58		
61	08/12/2010	MAIL NOTICE OF ALLOWANCE			
60	08/12/2010	ISSUE REVISION COMPLETED			
59	08/12/2010	DOCUMENT VERIFICATION			
58	08/12/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
57	08/12/2010	CASE DOCKETED TO EXAMINER IN GAU			
56	08/11/2010	EXAMINER'S AMENDMENT COMMUNICATION			
55	08/11/2010	NOTICE OF ALLOWABILITY			
54	07/12/2010	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
53	05/25/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	07/22/2010	NEW OR ADDITIONAL DRAWING FILED			
51	07/26/2010	DATE FORWARDED TO EXAMINER			
50	07/22/2010	SUPPLEMENTAL RESPONSE		58	48
49	05/27/2010	DATE FORWARDED TO EXAMINER			
48	05/25/2010	RESPONSE AFTER NON-FINAL ACTION			
47	05/25/2010	REFERENCE CAPTURE ON IDS			
46	05/25/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	05/25/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	02/25/2010	MAIL NON-FINAL REJECTION	11		34
43	02/25/2010	NON-FINAL REJECTION			
42	06/04/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	01/11/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

37	01/11/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		89	34
36	01/11/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	12/04/2009	DATE FORWARDED TO EXAMINER			
34	10/14/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
33	06/04/2009	REFERENCE CAPTURE ON IDS			
32	06/04/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	09/14/2009	MAIL RESTRICTION REQUIREMENT	138		-1
30	09/09/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
28	06/04/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	04/10/2009	CASE DOCKETED TO EXAMINER IN GAU			
26	03/11/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
25	02/29/2008	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
24	06/10/2008	PRELIMINARY AMENDMENT			
23	01/02/2009	PG-PUB ISSUE NOTIFICATION			
22	10/09/2008	APPLICATION DISPATCHED FROM OIPE			
21	09/23/2008	SENT TO CLASSIFICATION CONTRACTOR			
20	09/23/2008	FILING RECEIPT - UPDATED			
19	08/12/2008	ADDITIONAL APPLICATION FILING FEES			
18	08/12/2008	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
17	09/15/2008	ERROR(S) IN CRF CORRECTED BY STIC			
16	07/17/2008	FILING RECEIPT - UPDATED			
15	07/17/2008	SEQUENCE ERRORS			
14	06/10/2008	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
13	06/10/2008	ADDITIONAL APPLICATION FILING FEES			
12	06/10/2008	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
11	06/10/2008	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	07/11/2008	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
8	04/10/2008	FILING RECEIPT			
		NOTICE MAILED--APPLICATION INCOMPLETE--			

7	04/10/2008	FILING DATE ASSIGNED			
6	02/29/2008	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
4	03/25/2008	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
3	03/06/2008	CLEARED BY OIPE CSR			
2	03/06/2008	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/29/2008	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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**Daniel E. Ovanezian
Lowenstein Sandler PC
65 Livingston Avenue
Roseland NJ 07068**

**MAILED
AUG 11 2011
OFFICE OF PETITIONS**

In re Application of :
Mark Proctor, et al. :
Application No. 12/074,102 : **DECISION ON PETITION**
Filed: February 29, 2008 :
Attorney Docket No. 5220P193 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed March 30, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. The period for reply was NOT extendable under 37 CFR 1.136(a). Accordingly, the application became abandoned on May 31, 2011. The Notice of Abandonment was mailed June 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$1,620, 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 the Office of Data Management for appropriate action in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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KAREN B. TRIPP, ATTORNEY AT LAW
P.O. BOX 1301
HOUSTON TX 77251

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of :
Whitfill et al. :
Application No. 12/074,182 : **ON PETITION**
Filed: February 29, 2008 :
Attorney Docket No. HALB:060 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 21, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$1,620.00. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

The Office of Patent Application Processing attempted to charge the \$1620.00 petition fee to petitioner's credit card on March 24, 2011. However, the credit card was declined. The Office then contacted the credit card company for an approval code, but was further declined. As there was a general authorization present in the instant application to charge any additional fees to Deposit Account 50-0708, an attempt was made on March 24, 2011 to charge the petition fee to that account. However, the account listed above had insufficient funds to cover the fee.

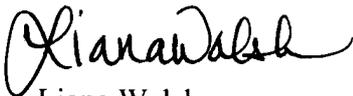
Further correspondence with respect to this matter should be addressed as follows:

- 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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KAREN B. TRIPP, ATTORNEY AT LAW
P.O. BOX 1301
HOUSTON TX 77251

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Application of :
Whitfill et al. :
Application No. 12/074,182 :
Filed: February 29, 2008 :
Attorney Docket No. HALB:060 :

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed May 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and Response under 37 CFR 1.111 (previously submitted on March 21, 2011), (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 1761 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



27 SEP 2010

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Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

In re Application of :
POLAKIEWICZ et al. : DECISION ON PETITIONS
Application No.: 12/074,199 : UNDER 37 CFR 1.78(a)(3)
Filed: February 29, 2008 : AND 37 CFR 1.78(a)(6)
Attorney Docket No.: CST-227 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 18 April 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); and (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted. With regard to item (3), the statement contained in the petition filed 06 January 2009 that the “entire delay from the date the priority claim was due under 37 CFR § 1.78, paragraph (a)(2)(ii) for the subject application to the date the claim was filed was unintentional”, the statement in the petition filed 24 November 2009 that the “entire delay from the First Petition was filed to the date of filing of this Second Petition was unintentional”, and the statement in the petition filed 18 April 2010 that the “entire delay from the date the Decision was received (February 4, 2010) to this day, April 18, 2010 was unintentional” have been construed as a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Petitioner must notify the Office if this is not a correct reading of the statements in the petitions. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120, 365(c) and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

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

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

Any questions concerning this matter may be directed to Daniel Stemmer at (571)-272-3301. 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 1644 for appropriate action on the amendment submitted 18 April 2010, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 365(c) and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Daniel Stemmer/
Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
ATTACHMENT: Corrected Filing Receipt

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



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APR 08 2011

Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

PCT LEGAL ADMINISTRATION

In re Application of:	:	
POLAKIEWICZ, Roberto, et al.	:	DECISION ON PETITION
Application No.: 12/074,214	:	(37 CFR 1.78(a)(3) and (a)(6))
Filing Date: February 29, 2008	:	
Attorney Docket No.: CST-225	:	
For: REAGENTS FOR THE DETECTION	:	
OF PROTEIN PHOSPHORYLATION	:	
IN LEUKEMIA SIGNALLING	:	
PATHWAYS	:	

This decision is issued in response to the “Renewed Petition Under 37 C.F.R. § 1.78(a)(6) To Accept An Unintentionally Delayed Claim Under 35 U.S.C. §§ 120 And 119(e)” filed November 29, 2010. The petition seeks to add to the present application benefit claims to prior-filed international application PCT/US2006/034126 and to prior-filed U.S. provisional application 60/712,776

The petition is **GRANTED**.

37 CFR 1.78(a)(3) applies where, as here, the applicant in an application filed on or after November 29, 2000 seeks to add, after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii), a claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed international application designating the United States. 37 CFR 1.78(a)(6) applies where, as here, the applicant in an application filed on or after November 29, 2000 seeks to add, after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii), a claim of benefit under 35 U.S.C. 119(e) to a prior-filed U.S. provisional application. Accordingly, the present petition is properly considered under both 37 CFR 1.78(a)(3) and (a)(6).

A grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must include the following:

- (1) the references to the prior-filed applications required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i), unless previously submitted;
- (2) the applicable surcharge set forth in 37 CFR 1.17; and
- (3) a statement that the entire delay between the date the claims were 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 present petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and (a)(6) in that: (1) proper references to the prior-filed international and provisional application have been included in the amendment to the first sentence of the specification filed with the present petition on November 29, 2010; (2) applicant has submitted payment of the required surcharge; and (3) the petition includes a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of the unintentionally delayed claims 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 (a)(6), the petition is appropriately 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 (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 application, all other requirements under 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(1), (a)(2), (a)(5), and (a)(6) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include 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 that includes the priority claims directed to the prior-filed international and U.S. provisional applications accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1643 for appropriate consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. 120 and 119(e) to the prior-filed international and provisional applications.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
(571) 272-3296

ATTACHMENT: Corrected Filing Receipt



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GREGORY SMITH & ASSOCIATES
3900 NEWPARK MALL ROAD, 3RD FLOOR
NEWARK CA 94560

MAILED

FEB 23 2012

In re Application of :
Rual Yu :
Application No. 12/074,239 :
Filed: February 28, 2008 :
Attorney Docket No. 475-002U :

OFFICE OF PETITIONS
DECISION ON PETITION

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 10, 2011 as required by the Notice of Allowance mailed August 10, 2011. A Notice of Abandonment was mailed on November 23, 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 10, 2011, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MAR 10 2011

OFFICE OF PETITIONS

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

In re Patent No. 7,887,520 :
Issue Date: February 15, 2011 :
Application No. 12/074,331 :
Filed: March 3, 2008 :
Patentee(s): Michael G. Simon :

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on January 7, 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**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226


Andrea Smith
Petitions Examiner
Office of Petitions



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DONALD BELL
13671 ANNANDALE DR. #11 H
SEAL BEACH, CA 90740

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Donald Bell :
Application No. 12/074,458 : **ON PETITION**
Filing: March 3, 2008 :
Title: LEVER-HANDLED POCKET DOOR :
LATCHING SYSTEM :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 29, 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 the applicant he is more than 65 years of age and is also accompanied with a copy of applicant's California Senior Citizen Identification Card. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3673 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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THOMAS M. FREIBURGER
P.O. BOX 1026
TIBURON CA 94920

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of :
Alex LIM et al. :
Application No. 12/074,468 :
Filed: March 03, 2008 :
Attorney Docket No. 716-1 :

DECISION ON PETITION

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 16, 2010. Accordingly, the date of abandonment of this application is December 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and the publication fee of \$300.00, (2) the petition fee of \$1810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

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


Michelle R. Eason
Paralegal Specialist
Office of Petitions



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RUSSO & DUCKWORTH, LLP
2nd Floor
9090 Irvine Center Drive
Irvine CA 92618

MAILED

MAR 08 2011

In re Application of :
Nasralla : **OFFICE OF PETITIONS**
Application No. 12/074,479 :
Filed: March 3, 2008 : **ON PETITION**
Attorney Docket No. : 859-P-1-USA :
For: DIALYSIS CELL AND TRAY FOR :
DIALYSIS CELLS :

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

This application became abandoned for failure to timely respond to the final Office action, mailed May 7, 2010, which set an extendable three month period for reply. No extension of time being obtained under 37 CFR 1.136(a), this application became abandoned on August 8, 2010. A Notice of Abandonment was mailed on January 13, 2011.

Applicant has submitted a RCE and required \$405.00 fee and previously submitted amendment in reply to the May 7, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 7, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1777 for processing the RCE and consideration of the amendment previously submitted filed on September 7, 2010.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/074,488	03/03/2008	Christopher G. Chadbourne	087A.0076.U2(US)	7859

29683 7590 09/17/2010
HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER

CARLEY, JEFFREY T.

ART UNIT	PAPER NUMBER
3729	

MAIL DATE	DELIVERY MODE
09/17/2010	PAPER

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

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



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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of:
CHADBOURNE, CHRISTOPHER G.
Serial No.: 12/074,488
Filed: March 3, 2008
Docket: 087A.0076.U2(US)
Title: ELECTRICAL CONNECTOR FOR
ALUMINUM CONDUCTOR
COMPOSITE CORE (ACCC) CABLE

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed March 22, 2010 to review the restriction requirement promulgated on July 23, 2009. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is dismissed as moot.

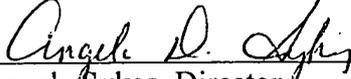
In his March 22, 2010 petition, petitioner requests the examiner to withdraw the restriction requirement issued on July 23, 2009 regarding claims directed to methods for connecting electrical connectors under MPEP § 802.01 and 806.06 because the applicant believes that the restriction requirement do not meet the criteria for a proper restriction. In particular, petitioner argues that the non-elected claims are closely related to the elected claims and not distinct. The claimed various embodiments also are not unrelated. Because the claims are all related, there should not be any serious search burden if the restriction is not required. Therefore, the request of withdrawal of the restriction requirement and reinstatement of claims 32-45 in the application should be granted.

On March 22, 2010, the applicant has filed a Rule 111 amendment to the claims. In view of the substantive amendment to the elected independent claim 26 which changes the scope of the elected invention as claimed, the original restriction requirement of July 23, 2009 is no longer applicable. The propriety of the restriction requirement cannot be decided. The requested relief can not be granted. However, in order to clarify the status of the restriction requirement in view of the Rule 111 amendment, the examiner is directed in the next Office action to provide a complete restriction requirement based on the current amended claims in accordance with the Chapter 800 of MPEP procedure or totally withdraw the restriction requirement and rejoin the non-elected claims 32-45.

After consulting with the examiner, it was agreed that the original restriction requirement of July 23, 2009 should be withdrawn in view of the Rule 111 amendment of March 22, 2010. An Office action on the merits including non-elected claims will follow in due course.

The application is being forwarded to the examiner via the Supervisory Patent Examiner for preparation of an Office action in response to the applicant's amendment filed on March 22, 2010 consistent with this decision. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED as MOOT



Angela Sykes, Director
Technology Center 3700
Mechanical Engineering, Manufacturing, Products and Designs



UNITED STATES 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 BRUCKNER PC
P.O. BOX 835880
RICHARDSON TX 75083-5880

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Dress :
Application No. 12/074,551 : DECISION
Filed/Deposited: 3 March, 2008 :
Attorney Docket No. LIGHT1150:1 :

This is a decision on the petition filed on 29 June, 2011, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Contrary to Petitioner's assertion that the period from 6 June, 2011 (the date of Petitioner's Certificate of Mailing),¹ until 13 June, 2011 (the date stamp on Petitioner's

¹ The regulations at 37 C.F.R. §1.8 provide:

§ 1.8 Certificate of mailing or transmission.

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

- (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
 - (A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;
 - (B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); or
 - (C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and
- (ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

(2) The procedure described in paragraph (a)(1) of this section does not apply to, and no benefit will be given to a Certificate of Mailing or Transmission on, the following:

(i) *Relative to Patents and Patent Applications—*

(A) The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

(B) [Reserved]

(C) Papers filed in contested cases before the Board of Patent Appeals and Interferences, which are governed by § 41.106 (f) of this title;

(D) The filing of an international application for patent;

(E) The filing of correspondence in an international application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Preliminary Examining Authority;

(F) The filing of a copy of the international application and the basic national fee necessary to enter the national stage, as specified in § 1.495(b).

receipt card (*see*: MPEP '503²), is “a normal amount of time for the USPTO to take to process, transport and deliver a letter from Texas to Northern Virginia,” Petitioner is reminded that the Office has no role in those events.

(ii)[Reserved]

(iii)Relative to Disciplinary Proceedings—

(A)Correspondence filed in connection with a disciplinary proceeding under part 11 of this chapter.

(B)[Reserved]

(b)In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1)Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2)Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3)Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. 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. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

(c)The Office may require additional evidence to determine if the correspondence was timely filed.

² MPEP '503 provides in pertinent part:

'503 Application Number and Filing Receipt

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. '1.53(a)).

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard a complete application@ or Apatent application@ will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items.

Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

Application No. 12/074,551

Rather:

- the effort to “process, transport and deliver a letter from Texas to Northern Virginia” was/is that of the U.S. Postal Service (USPS); and
- the receipt card for Petitioner’s submission(s) was date stamped by the Office on receipt of those submissions.

Should Petitioner wish to ensure that his submissions were received and placed of record more quickly, Petitioner might wish to submit his papers via EFS or FAX.

Moreover, it appears that Petition may not have submitted a copy of the papers in question at the time Petitioner submitted his petition.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the non-final Office action mailed on 6 December, 2010, with reply due absent extension of time on or before 6 March, 2011.

The application went abandoned by operation of law after midnight 6 March, 2011.

The Office mailed the Notice of Abandonment On 17 June, 2011.

On 29 June, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 requesting withdrawal of the holding of abandonment and indicating therein that Petitioner had submitted a 6 June, 2011, certificate of mail, *inter alia*, a request and fee for extension of time with a reply in the form of an amendment, and Petitioner supported the averment with a date-stamped receipt card, and the papers in question are now visible in the image file wrapper (IFW) with a certificate of mail as described. Thus, the record—as outlined above and is visible in IFW—supported

Application No. 12/074,551

Petitioner's averment, said averment made and supported consistent with the guidance in the Commentary at to MPEP §711.03(c).

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 filing:

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 §512.³

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 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.

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).

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.)

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.

The Office record reflects and so Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 17 June, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2611 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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).

Application No. 12/074,551

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. §1.2⁸) 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/074,563, inventor Meng-Hua Wang, and attorney Haynes and Boone, LLP.

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 22, 2010

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

In re Application of :
Meng-Hua Wang, et al : **DECISION ON PETITION**
Application No. 12074563 :
Filed: 03/04/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. AB-2705 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) 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 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 inquiries 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/074,587	03/04/2008	Christopher G. Chadbourne	087A.0129.U1(US)	8309
29683	7590	03/23/2011	EXAMINER CARLEY, JEFFREY T.	
HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			ART UNIT	PAPER NUMBER
			3729	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

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

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



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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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of:
CHADBOURNE, CHRISTOPHER G. et al
Serial No. 12/074,587
Filed: March 4, 2008
Docket: 087A.0129.U1(US)
Title: WEDGE CONNECTOR
INSTALLATION TOOL

:
:
:
:
DECISION ON PETITION
UNDER 37 CFR § 1.181
:
:
:

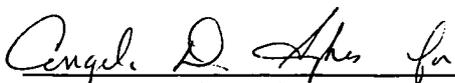
This is a decision on the petition filed on March 18, 2011 under 37 CFR 1.181 requesting withdrawal of the requirement of cancellation of all non-elected claims 6, 9-13, 20, 22 and 23 which were withdrawn from consideration when filing a reply to the final rejection mailed on January 20, 2011.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief is granted. Since there is a potential of rejoinder when an independent claim should become allowable later, it is not necessary to cancel those non-elected claims at this point in time. Therefore, the requested relief is granted. The requirement to cancel those non-elected claims as stated in the final rejection of January 20, 2011 is hereby withdrawn.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3729 for consideration of the Rule 116 amendment filed on March 18, 2011. 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



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LARKSPUR CA 94977

MAILED

NOV 23 2011

OFFICE OF PETITIONS

In re Application of :
RANSBURY et al. :
Application No. 12/074,621 : DECISION ON PETITION
Filed: 03/05/2008 :
Attorney Docket No. IRM-910 :

This is a decision on the petition under 37 CFR.1.181 filed November 9, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed November 16, 2010, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On June 28, 2011, the Office mailed a Notice of Abandonment.

Applicants assert that they filed a timely response to the Office action of November 16, 2010, and request that that USPTO withdraw the Notice of Abandonment in this application. Specifically, Kathleen A. Frost, applicants' attorney, stated that she practices in the Pacific Time Zone and that she filed a response to the Office action on Monday, May 16, 2011;¹ accompanied by a fee in the amount of \$555.00 for a three-month extension of time. Ms. Frost stated that the reply included an EFS filing certificate, certifying that the correspondence was being filed via EFS on Monday, May 16, 2011.

The Office notes that a reply to an Office action will be considered as being timely filed if the reply is submitted in compliance with the procedure set forth in 37 CFR 1.8(a):

¹ In the present petition, the attorney indicated the date she filed the response as Monday, May 17, 2011. However, it appears that this is a typographical error and the date should read May 16, 2011.

(1) Follow-on document is submitted via EFS-Web prior to expiration of the set period of time in accordance with the requirements for EFS-Web; and

(2) The document includes a certificate of transmission stating the date of transmission and signed by a person that has reasonable basis to expect that the document would be transmitted on or before the date of transmission. See 37 CFR 1.8(a)(1)(i)(C) and (ii).

A review of the record shows that the reply contained a certificate of transmission stating the date of transmission as May 16, 2011, and signed by Kathleen A. Frost.

In view of the above, the reply is considered timely filed on Monday, May 16, 2011, with the request for an extension of time for response within the third month (and fee). See 37 CFR 1.8 and 1.136(a).

Accordingly, the petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn and the application is restored to pending status.

The \$930.00 fee for filing a petition under 37 CFR 1.137(b) is unnecessary and will be refunded in due course.

This matter is being referred to Technology Center Art Unit 3766 for further action on the reply filed May 16, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/074,632	03/05/2008	Michael J. Welsh	50515/002003	8368

7590 06/27/2011
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

WILSON, MICHAEL C

ART UNIT	PAPER NUMBER
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1632

NOTIFICATION DATE	DELIVERY MODE
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06/27/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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June 23, 2011

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of
Welsh, Michael J. et, al
Application No. 12/074,632
Filed: 03/05/2008
Attorney Docket No. 50515/002003

:
:
:
:
:

DECISION ON PETITION
ACCEPTANCE OF COLOR
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 05, 2008.

The petition is **GRANTED**.

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

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

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

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

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



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MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of :
GARAMSZEGI, Laszlo :
Application No. 12/074,719 : DECISION ON PETITION
Filed: March 4, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 084314-0019 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 1, 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.

This pending nonprovisional application was filed on March 4, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/906,159, which was filed on March 9, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to paragraph 0001 of the specification.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an

application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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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MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
GARAMSZEGI, Laszlo :
Application No. 12/074,719 : DECISION ON PETITION
Filed: March 4, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 084314-0019 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 9, 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.

This pending nonprovisional application was filed on March 4, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/906,159, which was filed on March 9, 2007, and for which priority is claimed.

The petition does not comply with item (1). 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 for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) with the required reference is required.

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

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

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

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

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.


Jose' Dees
Petitions Examiner
Office of Petitions



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MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
GARAMSZEGI, Laszlo :
Application No. 12/074,719 : DECISION ON PETITION
Filed: March 4, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 084314-0019 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed November 22, 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.

This pending nonprovisional application was filed on March 4, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/906,159, which was filed on March 9, 2007, and for which priority is claimed.

The petition does not comply with item (1). The Amendment and Response after final Office action received on November 22, 2011 was duly considered by the examiner and did not place the application in condition for allowance for the reasons stated in the advisory Office action.

The examiner has indicated that the proposed amendment to **claim priority** to the prior-filed application would raise new issues that would require further consideration and/or search.

Therefore, since the amendment does not *prima facie* place the application in condition for allowance, petitioner must now submit a request for continued examination (RCE) under the provisions of 37 CFR 1.114, or file a continuing application pursuant to the provisions of 37 CFR 1.53(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) with the required reference is required.

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

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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

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.


Jose' Dees
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

12/074,719

Applicant(s)

GARAMSZEGI, LASZLO

Examiner

NICHOLAS PLIONIS

Art Unit

3733

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

THE REPLY FILED 22 November 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 "11" below. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

/EDUARDO C. ROBERT/
Supervisory Patent Examiner, Art Unit 3733

/N. P./
Examiner, Art Unit 3733

Continuation of 11. does NOT place the application in condition for allowance because: After consulting with the SPE, the examiner determined that the amendment to the specification raises new issues that would require further consideration and/or search as the effective filing date of the application would change.



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IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH CA 92660

MAILED

APR 01 2011

OFFICE OF PETITIONS

In re Application of :
Vaclav Dusek :
Application No. 12/074,731 : **DECISION ON PETITION**
Filed: March 5, 2008 :
Attorney Docket No. 159470-0011(P006) :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, August 3, 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 timely obtained. Accordingly, the application became abandoned on February 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00 and the submission required by 37 CFR 1.114, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This matter is being referred to Technology Center AU 3731 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Ben J. Yorks
1800 Avenue of the Stars, Ste. 900
Los Angeles, CA 90067-4276



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Paper No.

ROGERS TOWERS, P.A.
1301 RIVERPLACE BOULEVARD, SUITE 1500
JACKSONVILLE FL 32207

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Zhong et al. :
Application No. 12/074,820 : DECISION ON PETITION
Filed: March 6, 2008 : PURSUANT TO
Attorney Docket No. D0454.11U : 37 C.F.R. § 1.181(A)
Title: OSTEOSTIMULATIVE :
SETTABLE BONE GRAFT PUTTY :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on August 23, 2011.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed December 7, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 8, 2011. A notice of abandonment was mailed on June 16, 2011.

ANALYSIS

With this petition, Petitioner has alleged that a response to the non-final Office action was filed on June 7, 2011.

The electronic file has been reviewed, and a copy of a response to the non-final Office action has been located in the same. The submission was received on June 14, 2011, and it is noted that the response contains a certificate of mailing that has been executed by Petitioner and is dated June 7, 2011. Moreover, Office records show that a request for a three-month extension of time was received in the Office on June 14, 2011, and the request for an extension of time contains a certificate

of mailing that has been executed by Petitioner and is dated June 7, 2011.

Still further, Office records reflect the receipt of the fee that is associated with the filing of a request for a three-month extension of time on June 14, 2011.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action that was received on June 14, 2011 can be processed in due course.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Adams et al. :
Application No. 12/074,875 : **DECISION ON PETITION**
Filed: March 6, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 081936/00005 :
:

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. 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).

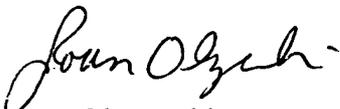
The request was signed by Joseph L. Morales, on behalf of all attorneys of record who are associated with Customer Number 25223.

All attorneys/agents associated with the Customer Number 25223 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 at the address indicated below.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: DNP Photo Imaging America Corporation
P.O. Box 767
San Marcos, TX 78667



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DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR, CA 92014

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Rafic Saleh :
Application No. 12/074,885 :
Filed: March 7, 2008 :
Attorney Docket No. 3972-PAT :

ON PETITION

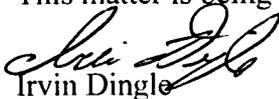
This is a decision on the petition under 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 7, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 8, 2010.

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

This matter is being referred to Technology Center AU 3731 for further processing.


Irvin Dingle
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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Paper No.

GUERRY LEONARD GRUNE
784 S VILLIER CT.
VIRGINIA BEACH VA 23452

MAILED
DEC 03 2010
OFFICE OF PETITIONS

In re Application of :
Grune :
Application No. 12/074,907 : DECISION ON PETITION
Filing Date: March 7, 2008 : PURSUANT TO
Attorney Docket No.: SNBLK-006 : 37 C.F.R. § 1.78(A)(3)
Title: SUNBLOCK FORMULATIONS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed September 15, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed U.S. application, set forth in a statement contained within this petition.

This petition is DISMISSED.

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

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

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed

was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included a benefit claim within the text of the petition, the surcharge, and a statement that is being construed as the proper statement of unintentional delay.

Requirements (2) and (3) of 37 C.F.R. § 1.78(a)(3) have been satisfied. The petition does not satisfy item (1) above, as will now be pointed out.

The reference has been provided by way of a benefit claim contained within the petition. Neither an amendment to the specification nor a Supplemental Application Data sheet was provided with this petition. As such, the priority claim is not in accordance with Rule 1.78. See 37 C.F.R. § 1.78(a)(2)(iii).¹

If reconsideration of this decision is desired, a renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) and either an amendment to the specification or a Supplemental Application Data Sheet to correct the above matter is required.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,² hand-delivery,³ or facsimile.⁴ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁵

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that

¹ 37 C.F.R. § 1.78(a)(2)(iii), sets forth, *in toto*: "[i]f the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title."

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

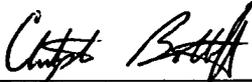
³ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁴ (571) 273-8300: please note this is a central facsimile number.

⁵ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.⁶ All other inquiries concerning examination procedures should be directed to the Technology Center.



Chris Bottorff
Supervisor
Office of Petitions

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Benjamin I. Edlavitch
PO Box 220661
Chicago, IL 60622-0661

MAILED

OCT 08 2010

In re Application of	:	OFFICE OF PETITIONS
Randall Glenn Penner	:	
Application No. 12/074,981	:	DECISION ON PETITION
Filed: March 7, 2008	:	TO WITHDRAW
Attorney Docket No. 116-0001	:	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 September 15, 2010.

The request is **APPROVED**.

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

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

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

There is an outstanding Office action mailed June 16, 2010 that requires a reply from the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Randall Glenn Penner**
PO Box 719
Grassy Lake, Alberta T0K 0Z0
Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/074,981	03/07/2008	Randall Glenn Penner	116-0001

CONFIRMATION NO. 9781

POWER OF ATTORNEY NOTICE

Benjamin I. Edlavitch
PO Box 220661
Chicago, IL 60622-0661



Date Mailed: 10/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2010.

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

/tsjohnson/

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



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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 02 2010

OFFICE OF PETITIONS

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Patent No. 7,695,701 :
Issue Date: April 13, 2010 :
Application No. 12/074,988 : **DECISION ON PETITION**
Filed: March 7, 2008 :
Attorney Docket No. CH3119USNA :

This is a decision on the Request For Certificate Of Correction, filed September 1, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to accept the omission of the assignee's name and residence. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the omission of the assignee's name and residence on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name and residence to the Title Page of the Letters Patent.

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

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

U.S. Patent No. 7,695,701
Application No. 12/074,988
Decision on Petition under 37 CFR 3.81

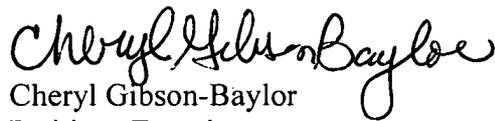
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form that accompanied the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,695,701.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **02-0512** Application Number (if known): **12/075,021** Filing date: **03/07/2008**

First Named Inventor: **Kaiping RAN**

Title: **BACKLIGHT CONTROLLER FOR DRIVING LIGHT SOURCES**

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature **/James P. Hao/** Date **11/10/2010**

Name (Print/Typed) **James P. Hao** Registration Number **36398**

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

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/075,021	03/07/2008	Kaiping RAN	0512	9669
71271	7590	11/23/2010	EXAMINER	
PATENT PROSECUTION			SHALWALA, BIPIN H	
O2MIRCO, INC.			ART UNIT	PAPER NUMBER
3118 PATRICK HENRY DRIVE			2629	
SANTA CLARA, CA 95054			MAIL DATE	DELIVERY MODE
			11/23/2010	PAPER

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

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



PATENT PROSECUTION
O2MIRCO , INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

In re Application of	:	
RAN, KAIPING, et al.	:	DECISION ON PETITION
Application No. 12/075,021	:	TO MAKE SPECIAL UNDER
Filed: March 7, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0512	:	PILOT PROGRAM

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

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Ken Wieder at 571-272-2986.

The application is being forwarded to the Technology Center Art Unit 2629 for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/075,043	03/07/2008	James Colman Sullivan	1275-101.US	9586
23390	7590	09/23/2011	EXAMINER	
COLIN P ABRAHAMS 5850 CANOGA AVENUE SUITE 400 WOODLAND HILLS, CA 91367			WILSON, GREGORY A	
			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			09/23/2011	PAPER

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

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

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COLIN P ABRAHAMS
5850 CANOGA AVENUE
SUITE 400
WOODLAND HILLS CA 91367

In re Application of:	:	
SULLIVAN, JAMES COLMAN et al	:	
Serial No. 12/075,043	:	
Filed: March 7, 2008	:	
Docket: 2007P00336US	:	DECISION ON PETITION
Title:	:	UNDER 37 CFR § 1.181
MODULAR REFRACTORY	:	
SUPPORT SYSTEM	:	

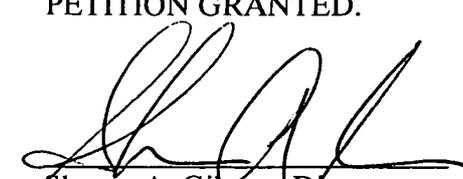
This is a decision on the request filed Sep. 12, 2011 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed August 11, 2011.

The petition is **Granted**.

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on August 11, 2011 is premature and the finality of the Office action is hereby withdrawn. Since the finality is being withdrawn, any amendment filed in response to the outstanding Office action of August 11, 2011 will be treated as a Rule 111 Amendment. The period to response to the outstanding Office action of August 11, 2011 remains unchanged.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3749 awaiting for the applicant's response (37 CFR 1.111). Any inquiry regarding this decision should be directed to Henry C. Yuen, Supervisory Patent Examiner, at (571) 272-4856.

PETITION GRANTED.



Sharon A. Gibson, Director
Technology Center/3700



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P.O. Box 1450
Alexandria, VA 22313-1450
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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of
Scott L. Harbeson et al.
Application No. 12/075,107
Filed: March 7, 2008
Attorney Docket No. 4151.1047-001

:
:
: LETTER REGARDING
: PATENT TERM ADJUSTMENT
:

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)", filed March 2, 2011. Applicant requests that the determination of patent term adjustment be corrected from 145 days to 81 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The PTA at the time of the mailing of the notice of allowance is 81 days.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is eighty-one (81) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On December 3, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 145 days. Applicants state that a response was due by May 24, 2008 to the Notice to File Missing Parts mailed March 24, 2008, however the response was not filed until August 27, 2008, thus an additional 64 days of Applicant delay should have been deducted from the total Patent Term Adjustment.

Pursuant to 37 CFR 1.704(b), a period of reduction of 64 days should have been entered. 37 CFR 1.704(b) provides that:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period

from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

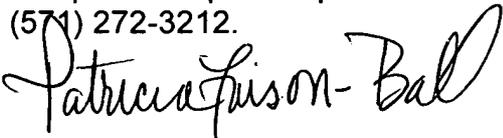
In this instance, applicants did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice to File Missing Parts of Application mailed March 24, 2008 within the three-month period provided for in 37 CFR 1.704(b). Applicants did not file a complete and proper response until August 27, 2008. Accordingly, a period of reduction of 64 days is being entered for the period beginning on June 25, 2008, the day after the date that is three months after the date of mailing of the Notice, and ending on August 27, 2008, the date applicants' reply was filed.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is EIGHTY-ONE (81) days (237 days of Office delay reduced by 156 (64 + 92) days of applicant delay).

Per the authorization accompanying the petition and pursuant to 37 CFR 1.18(e), the Office has charged petitioner's deposit account no. 08-0380 in the amount of \$200.00 for the instant petition. No additional fees are required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for issuance of the application. 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
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12075107

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 12075107

Application Filing Date	03/07/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	237
A Delays	237	PTO Manual Adjustment	-64
B Delays	0	Applicant Delay (APPL)	92
C Delays	0	Total PTA (days)	81

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
59	04/12/2011		P028	Adjustment of PTA Calculation by PTO		64	0
52	12/03/2010		MN/=.	Mail Notice of Allowance			0
51	11/22/2010		IREV	Issue Revision Completed			0
50	11/22/2010		DVER	Document Verification			0
49	11/22/2010		N/=.	Notice of Allowance Data Verification Completed			0
48	11/22/2010		CNTA	Allowability Notice			0
45	10/07/2010		FWDX	Date Forwarded to Examiner			0
46	10/01/2010		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received			0
44	10/01/2010	07/01/2010	A...	Response after Non-Final Action		92	37
43	10/01/2010		XT/G	Request for Extension of Time - Granted			0
42	06/07/2010		RCAP	Reference capture on IDS			0
41	06/07/2010		M844	Information Disclosure Statement (IDS) Filed			0
47	05/20/2010		IDSC	Information Disclosure Statement considered			0
40	05/20/2010		RCAP	Reference capture on IDS			0
39	05/20/2010		M844	Information Disclosure Statement (IDS) Filed			0
38	05/20/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
37	04/01/2010		MCTNF	Mail Non-Final Rejection			0
36	03/15/2010		CTNF	Non-Final Rejection			0
32	02/26/2010		FWDX	Date Forwarded to Examiner			0
31	01/29/2010		ELC.	Response to Election / Restriction Filed			0
30	12/30/2009	05/07/2009	MCTRS	Mail Restriction Requirement	237		0.5
29	12/22/2009		CTRS	Restriction/Election Requirement			0
33	11/03/2009		IDSC	Information Disclosure Statement considered			0
26	11/03/2009		RCAP	Reference capture on IDS			0
25	11/03/2009		M844	Information Disclosure Statement (IDS) Filed			0
21	11/03/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
19	04/14/2009		PA..	Change In Power of Attorney (May Include Associate POA)			0
34	02/02/2009		IDSC	Information Disclosure Statement considered			0
24	02/02/2009		RCAP	Reference capture on IDS			0
23	02/02/2009		M844	Information Disclosure Statement (IDS) Filed			0
18	02/02/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
17	01/16/2009		DOCK	Case Docketed to Examiner in GAU			0
16	01/13/2009		DOCK	Case Docketed to Examiner in GAU			0
15	01/12/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
13	12/29/2008		PG-ISSUE	PG-Pub Issue Notification			0
12	09/26/2008		OIPE	Application Dispatched from OIPE			0
11	09/15/2008		PGPC	Sent to Classification Contractor			0
10	09/15/2008		FLRCPT.U	Filing Receipt - Updated			0
14	08/27/2008		A.PE	Preliminary Amendment			0
9	08/27/2008		FLFEE	Payment of additional filing fee/Preexam			0
6	08/27/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
5	03/24/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
4	03/24/2008		FLRCPT.O	Filing Receipt			0
3	03/13/2008		L194	Cleared by OIPE CSR			0
2	03/13/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	03/10/2008		IEXX	Initial Exam Team nn			0
8	03/07/2008		CLAIM	Claim Preliminary Amendment			0
0.5	03/07/2008		EFILE	Filing date			0

Export to: [Excel](#)



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FELDMAN LAW GROUP, P.C.
220 EAST 42ND STREET
SUITE 3304
NEW YORK, NY 10017

MAILED

AUG 27 2010

In re Application of	:	OFFICE OF PETITIONS
Dave Lapa, et al.	:	
Application No. 12/075,196	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No.	:	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 29, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment, nor have they certified that they (2) have delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled or notified the client of any responses that may be due and the time frame within which they must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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: DAVY LAPA
12 PALMANLAAN
ANTWERPEN 2020 BELGIUM



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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FELDMAN LAW GROUP, P.C.
220 EAST 42ND STREET, SUITE 3304
NEW YORK, NY 10017

MAILED

SEP 27 2010

In re Application of
Dave Lapa, et al.
Application No. 12/075,196
Filed: March 11, 2008
Attorney Docket No.

**OFFICE OF PETITIONS
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 September 7, 2010.

The request is **APPROVED**.

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

The request was signed by Stephen E. Feldman on behalf of all attorneys of record who are associated with customer No. 76943. All attorneys/agents associated with the Customer Number 76943 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed February 16, 2010 that requires a reply from the applicant.

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

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

cc: DAVY LAPA
12 PALMANLAAN
ANTWERPEN 2020 BELGIUM



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
12/075,196	03/11/2008	Dave Lapa	

CONFIRMATION NO. 2086

POWER OF ATTORNEY NOTICE

76943
FELDMAN LAW GROUP, P.C.
220 East 42nd Street, Suite 3304
NEW YORK, NY 10017



Date Mailed: 09/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2010.

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

/amwise/

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



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GREENBERG TRAURIG (NY)
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

MAILED

APR 29 2011

OFFICE OF PETITIONS

In re Application of :
Dave Lapa, et al. :
Application No. 12/075,196 : **ON PETITION**
Filed: March 11, 2008 :
Attorney Docket No.: 130373.010300 :

This is a decision in response to the petition, filed March 1, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 16, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 17, 2010. A Notice of Abandonment was mailed on September 28, 2010. On March 1, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and submission required under 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) an adequate 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 March 1, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being referred to Technology Center AU 3625 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



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**BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 WEST 52 STREET
SUITE 27B
NEW YORK NY 10019**

**MAILED
APR 11 2011
OFFICE OF PETITIONS**

In re Application of :
Kenneth Thomas Smart et al :
Application No. 12/075,247 : **ON PETITION**
Filed: March 10, 2008 :
Attorney Docket No. 0515-4001 :

This is a decision on the petition, filed January 25, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition 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/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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**BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 WEST 52 STREET
SUITE 27B
NEW YORK NY 10019**

**MAILED
MAY 09 2011
OFFICE OF PETITIONS**

In re Application of :
Kenneth Thomas Smart et al :
Application No. 12/075,247 : **DECISION ON REQUEST FOR REFUND**
Filed: March 10, 2008 :
Attorney Docket No. 0515-4001 :

This is a decision on the Request For Refund filed May 2, 2011.

The request is **DISMISSED**.

Applicant files the above request for refund and states that "A Request to Rescind the Non-publication Requests in the instant application was timely filed on March 9, 2009, along with the filing of the PCT application. The undersigned believes that the Patent Office erred by not placing the original Request to Rescind in the instant file history. The undersigned requests that the Patent Office properly file the original Request, which would render the Petition to Revive unnecessary, and further requests that the Patent Office refund the filing fee for the Petition to Revive."

However, applicant improperly filed the Notice to Rescind with the PCT filing. Applicant clearly included with the filing intended for the PCT application (note docket number listed on the receipt (0515-4001 PCT)). Also, applicant has received an initial decision on the petition. Note MPEP 711.03 (c) which states that:

[T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

In view of the above, the request for refund is dismissed.

Application No. 12/075,247

-2-

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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JUN 06 2011

OFFICE OF PETITIONS

**BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 WEST 52 STREET
SUITE 27B
NEW YORK NY 10019**

In re Application of
Kenneth Thomas Smart et al
Application No. 12/075,247
Filed: March 10, 2008
Attorney Docket No. 0515-4001

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:
:
:
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**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the renewed petition, filed May 18, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 9, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 15, 2011 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2448 for examination in due course.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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Table with 4 columns: APPLICATION NUMBER (12/075,247), FILING OR 371(C) DATE (03/10/2008), FIRST NAMED APPLICANT (Kenneth Thomas Smart), ATTY. DOCKET NO./TITLE (0515-4001)

CONFIRMATION NO. 2445

NONPUBLICATION RESCISSION LETTER

24259
BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 West 52 Street
Suite 27B
NEW YORK, NY 10019



Date Mailed: 06/06/2011

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

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

The projected publication date is 09/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kocreasy/

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 : 01-14-12

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/075341 Patent No.: 7514944

CofC mailroom date: 12-22-11

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

FOR IFW FILES:

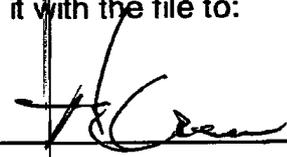
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

FOR PAPER FILES:

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

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



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE: /Huy Q Phan/

Art Unit 2858



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**THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202**

**MAILED
MAY 27 2011
OFFICE OF PETITIONS**

In re Application of :
Jean-Francois Bodet et al :
Application No. 12/075,381 : DECISION ON PETITION
Filed: March 11, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10747 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

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

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

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

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

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

The application is being forwarded to Technology Center AU 1763 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/KOC/
Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/075,381, 03/11/2008, 1763, 1310, 10747, 23, 2

CONFIRMATION NO. 2987

CORRECTED FILING RECEIPT



27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Date Mailed: 05/25/2011

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

Applicant(s)

- Jean-Francois Bodet, Waterloo, BELGIUM;
Giovanni Carrara, Montesiavane, ITALY;
Alex Haejoon Chung, West Chester, OH;
Daniel Dale Ditullio JR., Hamilton, OH;
Robert Richard Dykstra, West Chester, OH;
Kristin Marie Finley, Milford, OH;
Rena Dianna Fossum, Middletown, OH;
Marcia Mary Ketcha, Cincinnati, OH;
Zaiyou Liu, West Chester, OH;
George Kavin Morgan III, Hamilton, OH;
Philip Kyle Vinson, Fairfield, OH;

Assignment For Published Patent Application

The Procter & Gamble Company, Cincinnati, OH

Power of Attorney: The patent practitioners associated with Customer Number 27752

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/906,709 03/13/2007
and claims benefit of 61/002,426 11/08/2007

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: 03/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/075,381**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Perfuming method and product

Preliminary Class

510

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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**E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805**

**MAILED
DEC 06 2011
OFFICE OF PETITIONS**

In re Application of :
Jill A. CONLEY et al. :
Application No. 12/075,388 : DECISION ON PETITION
Filed: March 11, 2008 :
Attorney Docket No. TK4615USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 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 May 02, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 03, 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; (2) the petition fee of \$1,860.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to final Office action of May 02, 2011 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1783 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.



Michelle R. Eason
Paralegal Specialist
Office of Petitions



INTARCIA THERAPEUTICS, INC.
ATTN: BARBARA G. MCCLUNG
24650 INDUSTRIAL BLVD
HAYWARD CA 94545

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,919,109 :
Issued: April 5, 2011 :
Application No. 12/075,435 :
Filed: March 11, 2008 :
Attorney Docket No. **ALE 058.13** :

: **DECISION ON REQUEST FOR**
: **RECONSIDERATION OF**
: **PATENT TERM ADJUSTMENT**
:

This is a decision on the "Petition for Request for Reconsideration of Patent Term Adjustment Determination" filed March 16, 2011 and treated under 37 CFR 1.705(d).

The request is **DISMISSED**.

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

On April 5, 2011, the above-identified application matured into U.S. Patent No. 7,919,109 with a revised patent term adjustment of 214 days. On March 16, 2011, prior to issuance, this application for patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 242 days.

Patentee disputes the reduction of 28 days (15 days for an Amendment after Notice of Allowance (Rule 312) and 13 days for an Information Disclosure Statement ("the IDS") filed on January 27, 2011) for applicant delay under 37 C.F.R. § 1.704(c)(10). Applicant argues that "No Amendment after Notice of Allowance (Rule 312) was filed in this application, despite an Image File Wrapper entry stating that such an Amendment was received January 27, 2011 and that a. Applicant argues further that the IDS filed January 27, 2011 was provided as "a copy of a previously filed Information Disclosure Statement (IDS) for the convenience of the Examiner as the Examiner had failed to initial and return this IDS, which was discovered upon Applicants' review of the application prior to paying the Issue Fee on February 14, 2011.

Applicant's argument has been considered but is not found to be persuasive.

37 CFR § 1.704(c)(10) provides that:

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

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

The reduction has been considered a proper a basis for reduction of patent term adjustment pursuant to § 1.704(c)(10).

As stated in MPEP 2732:

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

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

The filing on January 27, 2011 of the Request for Copy of Examiner-Initialed, Information Disclosure statement, after the mailing of the Notice of Allowance, although it was indicated that it had been previously submitted, was not the first opportunity for applicant to address this issue. Thus, the cumulative period from January 27, 2011 to February 23, 2011, when a complete response to the February 8, 2011 response was mailed, is a period of 28 days and the reduction is warranted.

In view thereof, the patent term adjustment indicated in the patent is properly reflected.

The Office acknowledges the submission of the required fee of \$200.00 set forth in 37 CFR 1.18(e).

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P" and "B".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 22, 2011

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/075,566 Patent No.: 7962339

CofC mailroom date: 07/21/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes be
made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

/David R. Hudspeth/
SPE

2626
Art Unit



**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.
12/075,566	12 March, 2008	PIERACCINI ET AL.	458050-2060.1

FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151	EXAMINER	
	DAVID HUDSPETH	
	ART UNIT	PAPER
	2626	20110823

DATE MAILED:

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

Commissioner for Patents

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

David R Hudspeth
SPE
Art Unit: 2626



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

GILBERTO AGUILERA
4690 CALLE DE VIDA
SAN DIEGO, CA 92124

MAILED

JUL 27 2011

OFFICE OF PETITIONS

In re Application of :
Gilberto Aguilera :
Application No. 12/075,601 : **DECISION ON PETITION**
Filed: March 13, 2008 :
Attorney Docket No. None :

This is a decision on the communication filed June 15, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

On September 7, 2010, the Office mailed a final Office action in the above mentioned application, which set a shortened statutory period for reply of three (3) months. The application became abandoned on December 8, 2010. On June 8, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office reconsider the abandonment. Petitioner asserts that a response to the final Office action dated September 7, 2010, was mailed on December 14, 2010 (received by the Office on December 16, 2010).

A review of the file record discloses that a reply to the final Office action was received on September 27, 2010. The response did not place the application in condition for allowance and was not entered as indicated in the Advisory Action mailed on November 16, 2010. In reply to the Advisory Action a response was received in the Office on December 16, 2010. However the response is not considered as being timely filed since the three (3) months statutory period for reply ended on December 7, 2010. Thus, the last day to submit a proper reply to the Office action dated September 7, 2010, was December 7, 2010 without purchase of extensions of time under 37 CFR 1.136(a).

Accordingly, the abandonment is proper since the response received on December 16, 2010, was not timely. The petition requesting withdrawal of the holding of abandonment cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), \$810.00 for a small entity;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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 Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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



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United States Patent and Trademark Office
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Paper No.

Gilberto Aguilera
4690 Calle De Vida
San Diego CA 92124

MAILED

SEP 29 2011

In re Application of : **OFFICE OF PETITIONS**
Gilberto Aguilera :
Application No. 12/075,601 : DECISION ON PETITION
Filed: March 13, 2008 : PURSUANT TO
Title: POKER CRAPS AND MAXI : 37 C.F.R. § 1.137(B)
POKER :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 10, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed September 7, 2010, which set a shortened statutory period for reply of three months. A first after-final amendment was received on September 27, 2010, and an advisory action was mailed on November 16, 2010. A second after-final amendment was filed on December 16, 2010, without an extension of time under the provisions of 37 C.F.R §1.136(a) so as to make timely the submission. Accordingly, the above-identified application became abandoned on December 8, 2010. A notice of abandonment was mailed on June 8, 2011.

A petition pursuant to 37 C.F.R. 37 C.F.R § 1.181 was filed on June 15, 2011, and dismissed via the mailing of a decision on July 27, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the petition fee and the proper statement of unintentional delay.

The second and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The present petition is not grantable because the first requirement of Rule 1.137(b) has not been satisfied. Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.² In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (*i.e.*, a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. § 1.53(b); a request for continuing examination under 37 C.F.R. § 1.114, if applicable; or a 37 C.F.R. § 1.129(a) submission, if applicable). The amendment of December 16, 2010 has been considered by the Examiner, and it has been determined that it fails to place the application in condition for allowance for the reason(s) set forth in the attached Advisory Action.

If reconsideration of this petition is desired, Petitioner may file a reply including a cover letter entitled "Renewed Petition

¹ See Rule 1.137(d).

² See M.P.E.P. § 711.03(c).

pursuant to 37 C.F.R. § 1.137(b).” This is not a final agency action within the meaning of 5 U.S.C § 704.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled “Renewed Petition pursuant to 37 C.F.R. § 1.137(b).” This is not a final agency action within the meaning of 5 U.S.C § 704.

Any future submission concerning this matter should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷ All other inquiries concerning examination procedures should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Advisory Action

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

MAILED

DEC 19 2011

OFFICE OF PETITIONS

Gilberto Aguilera
4690 Calle De Vida
San Diego CA 92124

In re Application of :
Gilberto Aguilera :
Application No. 12/075,601 : DECISION ON RENEWED
Filed: March 13, 2008 : PETITION PURSUANT TO
Title: POKER CRAPS AND MAXI : 37 C.F.R. § 1.137(B)
POKER :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed October 17, 2011, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed September 7, 2010, which set a shortened statutory period for reply of three months. A first after-final amendment was received on September 27, 2010, and an advisory action was mailed on November 16, 2010. A second after-final amendment was filed on December 16, 2010, without an extension of time under the provisions of 37 C.F.R. § 1.136(a) so as to make timely the submission. Accordingly, the above-identified application became abandoned on December 8, 2010. A notice of abandonment was mailed on June 8, 2011.

A petition pursuant to 37 C.F.R. § 1.181 was filed on June 15, 2011, and dismissed via the mailing of a decision on July 27, 2011.

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

- (1) The reply required to the outstanding Office

- action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
 - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on August 10, 2011, along with the petition fee, the proper statement of unintentional delay, and an amendment, and was dismissed via the mailing of a decision on September 29, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹ The decision of September 29, 2011 further indicated that the amendment of December 16, 2010 had been considered by the Examiner, and that it had been determined that it fails to place the application in condition for allowance. An Advisory Action was included therewith.

With this renewed petition, Petitioner has included an amendment.

The first requirement of Rule 1.137(b) remains unsatisfied. Petitioner has not submitted the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.² In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (*i.e.*, a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. § 1.53(b); a request for continuing examination under 37 C.F.R. § 1.114, if applicable; or a 37 C.F.R. § 1.129(a) submission, if applicable). The amendment of October 17, 2011 has been considered by the Examiner, and it has been determined that it fails to place the application in condition for allowance for the reason(s) set forth in the attached Advisory Action.

¹ See Rule 1.137(d).

² See M.P.E.P. § 711.03(c).

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

If reconsideration of this petition is desired, Petitioner may file a reply including a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

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

Any future submission concerning this matter should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷ All other inquiries concerning examination procedures should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Advisory Action

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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



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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,940,156 :
Issued: 05/10/2011 :
Application No. 12/075,615 : **NOTICE**
Filed: 03/12/2008 :
Attorney Docket No. 240102.407 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 25, 2011.

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

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 01 2011

In re Application of

Alan Hepner et al.

Application No. 12/075,619

Filed: March 12, 2008

Attorney Docket No. 3966.HILL.PT

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 Frank W. Compagni, on behalf of all attorneys/agents associated with customer number 26986. All attorneys/agents associated with customer number 26986 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: Hilltrac, Inc.
5440 Woodcrest Drive
Holladay, UT 84117



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
12/075,619	03/12/2008	Alan Hepner	3966.HILL.PT

26986
MORRIS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

CONFIRMATION NO. 3003
POWER OF ATTORNEY NOTICE



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



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P O BOX 4390
TROY MI 48099-4390

MAILED
SEP 10 2010
OFFICE OF PETITIONS

In re Application of :
Brian John Chisholm :
Application No. 12/075,642 : DECISION ON PETITION
Filed: March 13, 2008 :
Attorney Docket No. 18988 :

This is a decision on the COMBINED PETITION UNDER 37 CFR 1.182, 1.181 and /or 1.183 and REQUEST FOR EXPEDITED PETITION UNDER 37 CFR 1.182, filed May 28, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), 1.221(b) and 37 CFR 1.182 for expedited handling.

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

The petition under 37 CFR 1.181 is **DISMISSED as being Moot**.

The petition under 37 CFR 1.221(b) is **DISMISSED**.

As to the petition under 37 CFR 1.182:

The petition for expedited handling of the petition(s) is granted. The petition fee has been charged to petitioner's deposit account.

As to the petition under 37 CFR 1.181:

Petitioner requests correction of the application papers for the above identified application so that the correct specification, claims and drawings are identified and the papers of application SN 11/595,372 are properly identified as the NPL document identified in the IDS. This correction has been previously made in the file. The correct papers for the instant application and the NPL document are now shown in the file. Therefore the petition is dismissed as moot.

Petitioner further requests a corrected filing receipt to reflect the proper title of the invention. A copy of the corrected filing receipt is enclosed with this decision.

As to the petition under 37 CFR 1.221(b):

Petitioner requests that the application be republished because the patent application publication contains a material error wherein the incorrect specification, drawings, abstract and claims were published. The petition fee has been charged to petitioner's deposit account.

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

The request for corrected publication, received on May 28, 2010, was not timely filed under 37 CFR 1.221(b). Therefore the petition is dismissed.

Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

Petitioner further requests that a corrected certified copy of the present application be forwarded to the PCT international Bureau. For this relief, applicant must file a renewed petition in the PCT application (a previous petition having been filed and dismissed in the PCT application).

Inquires relating to matters under 37 CFR 1.22(b) may be directed to Mark Polutta at (571) 272-7709. All other inquiries relating to this decision should be directed to Carl Friedman at (571) 272-6842.

This application is being referred to Technology Center Art unit 2612 for examination in due course.


David Buccì
Petitions Examiner
Office of Petitions

Enclosure: Corrected filing Receipt

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



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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
12/075,642	03/13/2008	2612	1300	18988	21	3

CONFIRMATION NO. 4039

CORRECTED FILING RECEIPT



OC000000043237266

23399
REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Date Mailed: 09/10/2010

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)

Brian John Chisholm, Sylvania, OH;

Assignment For Published Patent Application

Rexam Healthcare Packaging Inc.

Power of Attorney:

Robert Collins--27430

Mary Schnurr--31377

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/01/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/075,642**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Plastic Container and Method of Manufacture Having Molded-in-Security Features

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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

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

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

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

NOT GRANTED

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/075,667	03/12/2008	Niren Murthy	30845.6USII	3708
26941	7590	12/01/2011	EXAMINER	
ADRIANO & ASSOCIATES 572 EAST GREEN STREET SUITE 203 PASADENA, CA 91101			WOODWARD, CHERIE MICHELLE	
			ART UNIT	PAPER NUMBER
			1647	
			NOTIFICATION DATE	DELIVERY MODE
			12/01/2011	ELECTRONIC

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

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

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

rmdomingo@adrianoassociates.com



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC - 1 2011

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ADRIANO & ASSOCIATES
572 EAST GREEN STREET
SUITE 203
PASADENA CA 91101

In re Application of :
Murthy et al. :
Serial No.: 12/075,667 : Decision on Petition
Filed: March 12, 2008 :
Attorney Docket No: 30845.6US11 :

This letter is in response to the petition filed under 37 C.F.R. § 1.181 filed on October 25, 2011 requesting entry of the 132 Declaration after final rejection.

BACKGROUND

The examiner mailed to applicants a non-final Office action on April 6, 2010. Claims 1, 62-64, 66, 67, 70, 74-76, 80-82, 85, 101, 102, 107, 108, 118 and 119 were pending and claims 1, 62-64, 66, 67, 70, 74, 80-82, 85, 107 and 108 were rejected. Claims 75, 76, 101, 102, 118 and 119 were withdrawn from consideration. Claims 1, 63, 64, 66, 67, 70, 74, 80, 81, 85, and 108 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7-12, and 14-25 of copending Application No. 12/083,488. Claims 62, 82, 107 and 108 were rejected under 35 USC 112, second paragraph, as indefinite. Claims 1, 62-64, 66, 67, 70, 74, 80, 81, 82, 85, 107 and 108 were rejected under 35 USC 112, first paragraph, as non-enabling. Claims 1, 62-64, 66, 67, 70, 74, 80, 81, 82, 85, 107 and 108 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 1 was rejected under 35 USC 102 (b) as being anticipated by St. Pierre et al. Claims 1, 63, 64, 66, 70, 74, 80, 81, 85, 107 and 108 were rejected under 35 USC 102 (b) as being anticipated by Papisov et al.

In response thereto, applicants submitted claim amendments and remarks on October 12, 2010 addressing the rejections set forth in the Office action of April 6, 2010.

On March 15, 2011, applicants submitted a supplemental communication and a Declaration by Niren Murthy.

The examiner mailed to applicants a final Office action on April 25, 2011. Claims 1, 63-64, 66, 67, 70, 74-76, 80, 81, 85, 101, 102, 107, 108, 118, 119, and 123-135 were pending and claims 1, 63, 64, 66, 67, 70, 74, 80, 81, 85, 107, 108, and 123-135 were rejected. Claims 75, 76, 101, 102, 118 and 119 were withdrawn from consideration. Claim 80 was again rejected under 35 USC 112, first paragraph, as non-enabling. Claims 1, 125, 127 and 130 were rejected under 35 USC 102 (b) as being anticipated by Heller. Claims 1, 63, 64, 66, 67, 70, 74, 80, 81, 85, 107, 108, 125, 127, 130, and 134 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heller and Papisov et al., as evidenced by Darain et al. . Claims 1, 63, 64, 66, 67, 70, 74, 80, 81, 85, 107, 108, and 123-135 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 11, 12 and 53 of copending Application No. 11/920,330 in view of Papisov et al.

On October 17, 2011, applicants submitted an after final amendment including and remarks and a Declaration by Niren Murthy.

On October 25, 2011, applicants submitted a Terminal Disclaimer to obviate a double patenting rejection.

On October 25, 2011, applicants filed a Notice of Appeal.

On October 27, 2011, the examiner mailed to applicants an advisory action indicating that the Declaration would not be entered because applicant failed to provide a showing of good and sufficient reasons why it was not presented earlier.

On October 25, 2011, applicants submitted the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

Applicants argue that “A final rejection was date mailed by the Patent Office on April 25, 2011. Applicants filed a reply on October 17, 2011 including a petition for three-month extension of time. On October 24, 2011, in a telephone message, the Examiner indicated that an Advisory Action will issue that will not enter the (1) cancellation of claim 80 and (2) the Declaration by Dr. Murthy. As of today, a copy of the Advisory Action is unavailable on the Patent Application Information Retrieval (PAIR) system. Applicants provided the Declaration in a timely manner in response to the Office's position which was first raised in the April 25, 2011 Final Office Action. The Office's new rejections under 35 U.S.C. §§102 and 103 necessitated the Declaration. Accordingly, Applicants respectfully request entry of the Declaration on the record.”

Applicants' arguments have been accorded careful consideration and are persuasive that the examiner erred in not entering the Amendment after Final and the Murthy Declaration of October 17, 2011.

DECISION

The petition is **GRANTED**.

The after final amendment of October 17, 2011 and the Murthy Declaration will be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein, namely, issuance of a new Advisory Action.

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



George Elliott
Director, Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/075,694	03/13/2008	David L. Henty	DLH1.PAU.27	4243
	7590	11/08/2010	EXAMINER DESAI, NIDHI	
David L. Henty Suite 1150 1990 MacArthur Blvd. Irvine, CA 92612			ART UNIT	PAPER NUMBER
			2835	
			MAIL DATE	DELIVERY MODE
			11/08/2010	PAPER

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

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



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David L Henty
POST OFFICE BOX 3529
NEWPORT BEACH, CA 92659

In re Application of: David Henty

Serial No.: 12/075,694

Filed: March 13, 2008

Attorney Docket No.: DLH1.PAU.27

:
:
: *SUA SPONTE*
: DECISION WITHDRAWING HOLDING OF
: ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for the failure to file a response to the Non-Final Rejection mailed on April 14, 2010. A Notice of Abandonment was mailed on October 28, 2010.

A review of the written record shows that a request for a three (3) month extension of time and an Amendment/Request for Reconsideration After Non-Final Rejection was filed on October 14, 2010.

In view of the above, it appears that the application was prematurely abandoned.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status and forwarded to the Examiner for further examination.

Inquiries related to this decision should be directed to Jayprakash N Gandhi at (571) 272-3740.

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3435 or (703) 756-1814



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**AT & T LEGAL DEPARTMENT - Slusky
ATTN: PATENT DOCKETING
ONE AT & T WAY - ROOM 2A-207
BEDMINSTER NJ 07921**

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Robert Duncan Doverspike et al. :
Application No. 12/075,735 : **DECISION ON PETITION**
Filed: March 13, 2008 :
Attorney Docket No. 2006-A1207A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 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 July 19, 2010. The Notice set a period for reply of one (1) month 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 August 20, 2010. A Notice of Abandonment was mailed on October 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 correction to the specification, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay. Accordingly the specification 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 regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ronald D. Slusky
353 West 56th Street – Suite 5L
New York, NY 10019



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Ming Yat Kwok
1646 Frances St
Vancouver BC V5L 1Z4 CA CANADA

MAILED

NOV 25 2011

OFFICE OF PETITIONS

In re Application of	:
Ming Yat Kwok	:
Application No. 12/075,757	:
Filed: March 14, 2008	:
Attorney Docket No. N/A	:
	: 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 November 16, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

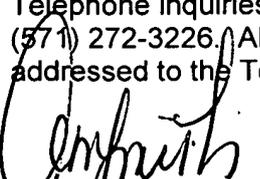
The petition is **GRANTED**.

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 sole inventor Ming Yat Kwok that he is 65 years of age or older¹. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3617 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 at (571) 272-3600.



Andrea Smith
Petitions Examiner
Office of Petitions

¹ Petitioner supplied the Office with a copy of his passport on November 16, 2011, to show that he is 65 years of age or older. However, since the birth date was redacted from the passport, the Office is relying on petitioner's certification in the present petition that he is 65 years of age or older.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110605

DATE : June 05, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7851624

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:

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621



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Decision Date February 27, 2012

In re Application of Jeffrey Crawford

Application No. 12075850

Filed: 14-Mar-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. ARDE D216US

This is an electronic decision on the petition under 37 CFR 1.137(b), February 27, 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.

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
-----------------------------	--

Application Number	12075850
--------------------	----------

Filing Date	14-Mar-2008
-------------	-------------

First Named Inventor	Jeffrey Crawford
----------------------	------------------

Attorney Docket Number	ARDE D216US
------------------------	-------------

Title	Fish culling system
-------	---------------------

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	/Nelson D. Nolte/
Name	Nelson D Nolte
Registration Number	42938



TIMOTHY E SIEGEL PATENT LAW, PLLCMARI YAMAMOTO
777 108TH AVENUE, SUITE 2240
BELLEVUE WA 98004-5178

MAILED

JUN 03 2011

In re Application of	:	OFFICE OF PETITIONS
Richard J. Kilshaw	:	
Application No. 12/075,877	:	ON PETITION
Filed: March 17, 2008	:	
Attorney Docket No. KI3.001.C1	:	

This is a decision on the petition under 37 CFR 1.137(b)¹, filed May 20, 2011 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 17, 2011 for failure to timely file a reply to the final Office action mailed November 16, 2010. Accordingly, a Notice of Abandonment was mailed May 26, 2010, after the filing of the instant petition.

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 3654 for processing of the RCE.

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

/Patricia Faison-Ball/
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED
JAN 24 2011
OFFICE OF PETITIONS

SCOTT A. WHITAKER, PH. D., J.D.
SENIOR INTELLECTUAL PROPERTY COUNSEL
BIONUMERIC PHARMACEUTICALS, INC.
8122 DATAPOINT DRIVE, SUITE 1250
SAN ANTONIO TX 78229

In re Application of :
Frederick H. HAUSHEER :
Application No. 12/075,898 : **NOTICE**
Filed: March 14, 2008 :
Attorney Docket No. X-0256A :

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

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.


Thurman K. Page
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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STEN GERFAST
1802 VALLEY CURVE
MENDOTA HEIGHTS MN 55118

MAILED

SEP 19 2011

In re Application of	:	OFFICE OF PETITIONS
Gerfast	:	
Application No. 12/075,904	:	DECISION
Filed/Deposited: 14 March, 2008	:	
Attorney Docket No. G15	:	

This is a decision on the petition filed on 8 September, 2011, for revival of an application abandoned due to unavoidable delay pursuant to 37 C.F.R. §1.137(a) .

NOTE:

Petitioner seeks advice of the Office.

The Office may not advise Petitioner.

Petitioner is directed to the guidance in the Commentary at MPEP . §711.03(c)
(http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) for information as to abandoned applications.

The petition pursuant to 37 C.F.R. §1.137(a) 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 under 37 C.F.R. §1.137(a).”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Application No. 12/075,904

As to Allegation of
Unavoidable Delay

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

Petitioner does not appear to have satisfied—and appears unable to satisfy—the requirements (as to unavoidable delay) under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

BACKGROUND

As discussed above, a review of the record reveals that:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 4 April, 2011 (following a non-final Office action mailed on 1 February, 2011 (with reply due absent extension of time on or before 1 May, 2011)), with a reply to the Notice due absent extension of time on or before 4 May, 2011.

The application went abandoned by operation of law after midnight 4 May, 2011.

The Office mailed the Notice of Abandonment on 8 September, 2011.

On 8 September, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(a), and a reply in the form of a request for continued examination (RCE)—which was not a proper reply (see the regulations at 37 C.F.R. §1.114), and made a statement of non-receipt. (Petitioner may wish to review the guidance in the Commentary at MPEP §711.03(c) (http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) as to a request to withdraw the holding of abandonment. Petitioner may wish to contact the independent inventor toll-free line: 1-800-786-9199.) Petitioner did not satisfy the narrative and documentary showings required under the Rule (MPEP §711.03(c) (http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)). Otherwise, Petitioner may wish to submit a petition pursuant to 37 C.F.R. §1.137(b), averring unintentional delay when submitted with the petition, the fee, the reply and the statement of unintentional delay (in the petition form).

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(a).

It is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R. §137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, 10 USPQ2d at 1478.

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 Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (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).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(A) the error was the cause of the delay at issue;

(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:

(A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;

(B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or

(C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a “reasonably prudent person” would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant’s failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute “unavoidable” delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant’s lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered “unavoidable” due to: (A) the applicant’s reliance upon oral advice from USPTO employees; or (B) the USPTO’s failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm’r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the “delay” was “unavoidable,” which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm’r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an “unavoidably” abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) “promptly” upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show 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(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be “promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment” should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm’r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant’s deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show 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(a)] was unavoidable” or even make an appropriate 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.”

Application No. 12/075,904

The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, 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 any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

Petitioner has failed to satisfy the requirements under the Rule, as discussed above.

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

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

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

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. 12/075,904

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.²

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to Allegations of
Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(a) is **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

² In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff'd*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/075,904

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. §1.2³) 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

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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Scott A. Whitaker, Ph.D., J.D. -Sr.
Intellectual Property Counsel
BioNumerik Pharmaceuticals, Inc.
8122 Datapoint Drive, Suite 1250
San Antonio TX 78229

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application: :
Frederick H. Hausheer :
Application No. 12/075,980 :
Filed: March 14, 2008 :
Attorney Docket No. X-0262 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 2, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED.**

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

This file is being forwarded to Technology Center 1643.

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

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12075984	
Filing Date	14-Mar-2008	
First Named Inventor	Kristi Kesick	
Art Unit	3643	
Examiner Name	SON NGUYEN	
Attorney Docket Number	672.19961-PROV FOR	
Title	Adjustable saddle	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		26308
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	KRISTI KESICK	
Address	W8389 State Hwy. 67	
City	Plymouth	
State	WI	
Postal Code	53073	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Laura A. Dable/
Name	LAURA A. DABLE
Registration Number	46436



UNITED STATES 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 31,2011

In re Application of :

Kristi Kesick

Application No : 12075984

Filed : 14-Mar-2008

Attorney Docket No : 672.19961-PROV FOR

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 31,2011

The request is **APPROVED**.

The request was signed by LAURA A. DABLE (registration no. 46436) on behalf of all attorneys/agents associated with Customer Number 26308 . All attorneys/agents associated with Customer Number 26308 have been withdrawn.

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

Name KRISTI KESICK

Name2

Address 1 W8389 State Hwy. 67

Address 2

City Plymouth

State WI

Postal Code 53073

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

LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

MAILED

OCT 29 2010

In re Application of
Jie Luo
Application No. 12/075,990
Filed: October 25, 2007
Attorney Docket No. 473938

OFFICE OF PETITIONS
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 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Dan Cleveland, Jr., on behalf of the practitioners of record associated with Customer No 30955.

Customer No 30955 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 5, 2010, that require a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: COLORADO STATE UNIVERSITY RESEARCH FOUNDATION
P.O. BOX 483
FORT COLLINS, CO 80522



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
12/075,990	10/25/2007	Jie LUO	473938

30955
LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

CONFIRMATION NO. 1091
POWER OF ATTORNEY NOTICE



Date Mailed: 10/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2010.

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

/atkelley/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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August 31, 2011

INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
SUITE 1205
SAN JOSE CA 95113

Re Application of
LEE, GU YOUL
Application: 12/075997
Filed: 03/14/2008

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

Attorney Docket No: **HANMAC.MVISION.PT1**

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) March 14, 2008.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
YATES :
Application No. 12/076,000 : **DECISION ON PETITION**
Filed: March 14, 2008 :
Attorney Docket No. 4096-PAT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 18, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 19, 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 election, (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : November 17, 2010

Paper No.: _____

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/076011 Patent No.: 7764445

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley

**Certificates of Correction Branch
(571)272-0XXX**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

SPE /Ricky Mack/

Art Unit 2873



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DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

MAILED

FEB 13 2012

In re Patent No. 8,037,812	:	OFFICE OF PETITIONS
Issue Date: October 18, 2011	:	
Application No. 12/076,080	:	
Inventor: Sumner	:	DECISION ON PETITION
Filed: March 13, 2008	:	PURSUANT TO
Attorney Docket No. 16185	:	37 C.F.R. § 1.182
Title: BOTTOM OPENING FRYER	:	
BASKET	:	

This is a decision on the petition filed on January 10, 2012, pursuant to 37 C.F.R. § 1.182, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The file record discloses that application No. 12/076,080 matured into U.S. Patent No. 8,037,812 on October 18, 2011. The electronic records further reveal that on that same date, the Patent Grant was mailed to the address of record. However, Petitioner requests a duplicate, asserting that the Letters Patent has been lost. Receipt of the \$400 petition fee is acknowledged.

The petition is **GRANTED**. **The Publishing Division is directed to issue a duplicate Letters Patent.** The Publishing Division (which may be reached at 571-272-4200) will be made aware of this decision in due course. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272--3225.¹

Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



Law Office of Jim Zegeer
Suite 108
801 North Pitt Street
Alexandria VA 22314

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of	:	
VOSS, Darrell W.	:	
Application No. 12/076,139	:	DECISION ON PETITION
Filed: March 14, 2008	:	TO WITHDRAW
Attorney Docket No. 3180-D-Z	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 16, 2010.

The request is **APPROVED**.

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

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

All future correspondence will be directed to the inventor Jim Zegeer at the address indicated below. There is an outstanding Office action mailed August 20, 2009 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: **DARRELL W. VOSS**
P.O. BOX 61988
VANCOUVER WA 98666



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Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
ZUCKER, Elad et al. :
Application No. 12/076,163 : **DECISION ON PETITION**
Filed: March 14, 2008 : **TO WITHDRAW**
Attorney Docket No. **NAI1P683/07.129.01** : **FROM RECORD**

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

The request is **Moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Zilka-Kotab, PC has been revoked by the assignee of the patent application on February 24, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PATENT CAPITAL GROUP**
6119 MCCOMMAS BLVD
DALLAS TX 75214



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OCT 08 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of
Yu, et al.
Application No.: 12/076,243
Filed: March 14, 2008
Attorney Docket No. **7000.196**

:
:
: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed August 4, 2010.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 26, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, search, and examination fees and a surcharge for the late payment of the same. A response was not received within the allowable period, and the application became abandoned on May 27, 2008. A Notice of Abandonment was mailed on December 1, 2008.

The fees are of record as of August 4, 2010.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding 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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106 Starvale Lane
Shipman VA 22971

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application of :
Meng-Chu Chen et al. :
Application No. 12/076,244 : **DECISION ON PETITION**
Filed: March 14, 2008 :
Attorney Docket No. 7000.197 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 3, 2008. A Notice of Abandonment was mailed December 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received August 6, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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106 Starvale Lane
Shipman VA 22971

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of
Shin, et al.
Application No.: 12/076,250
Filed: March 14, 2008
Attorney Docket No. 7000.199

:
:
: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed August 4, 2010.

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 26, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, search, and examination fees and a surcharge for the late payment of the same. A response was not received within the allowable period, and the application became abandoned on May 27, 2008. A Notice of Abandonment was mailed on November 28, 2008.

The fees are of record as of August 4, 2010.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding 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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OCT 07 2010
OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of :
Yan, et al. :
Application No.: 12/076,252 : ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. **7000.198** :

This is in response to the petition under 37 CFR 1.137(b) filed August 4, 2010.

The petition under 37 CFR 1.137(b) is granted.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 27, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, search, and examination fees and a surcharge for the late payment of the same. A response was not received within the allowable period, and the application became abandoned on May 28, 2008. A Notice of Abandonment was mailed on December 2, 2008.

The fees are of record as of August 4, 2010.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding 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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**JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971**

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application of :
Tsun-Neng Yang :
Application No. 12/076,254 : DECISION ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. 7000.309 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed March 27, 2008, 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 Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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**JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971**

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OCT 13 2010
OFFICE OF PETITIONS**

In re Application of :
Tsung-Chieh Cheng et al :
Application No. 12/076,260 : DECISION ON PETITION
Filed: March 14, 2008 :
Attorney Docket No. 7000.156 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed March 28, 2008, 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 Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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

MAILED

NOV 29 2011

OFFICE OF PETITIONS

In re Application of :
Watanabe et al. :
Application No. 12/076267 :
Filing or 371(c) Date: 03/14/2008 :
Attorney Docket Number: :
1081.1311 :

ON PETITION

This is a decision on the "Petition Under 37 CFR 1.181(a) to Withdraw the Holding of Abandonment," filed November 7, 2011.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 13, 2011. The Office action set a three (3) month period for reply. No reply having been received, the application became abandoned on July 14, 2011.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2624 for re-mailing of the Office action and re-starting the period for reply, in the normal course of business.

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

/DW/

Derek Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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December 12, 2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
SIM, JEE-YOUNG : **DECISION ON PETITION**
Application No. 12/076,279 :
Filed: 03/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 1901-1276 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 14, 2008.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, 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."

Note: Only one set of drawings is required when petition is filed via EFS WEB.

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

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November 18, 2011

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

In re Application of :
Kyu-Hong Kim et al. : **DECISION ON PETITION**
Application No. 12076281 :
Filed: 03/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 1901.1271 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 14, 2008.

The petition is **GRANTED**.

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

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

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

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

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

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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

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

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

Attorney Docket Number: CHOU3144/REF	Patent Number: 7667661
Filing Date (or 371(b) or (f) Date): 2008-03-17	Issue Date: 2010-02-23
First Named Inventor: Jui-Hung Chou	
Title: ELECTRONIC DEVICE AND SHORT-CIRCUITED DIPOLE ANTENNA THEREOF	

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

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

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

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

Signature /ThomasJMoore/	Date 2010-08-19
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

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

*Total of _____ forms are submitted.

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

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

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

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

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

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

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 09/13/2010

Applicant : Jui-Hung Chou : DECISION ON REQUEST FOR
Patent Number : 7667661 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/076,298 : OF WYETH AND NOTICE OF INTENT TO
Filed : 03/17/2008 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **4** 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.



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of Sun :
Application No. 12/076,444 : DECISION ON PETITION
Filed: March 18, 2008 :
Atty. Dkt. No.: 5545/0432PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 24, 2011.

The petition is **DISMISSED**.

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

This application became abandoned June 4, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed April 3, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed December 9, 2008.

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 fails to satisfy requirement (3).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

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

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (3).

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the delay in filing a grantable petition was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (more than two years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the Office action, and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned and what efforts were made to timely pursue the petition for revive.

Petitioner may wish to submit supporting documentation to establish that the delay in seeking to resume prosecution has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See, Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

In view thereof, 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 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450

Alexandria, VA 22313-1450

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of Sun :
Application No. 12/076,444 :
Filed: March 18, 2008 :
Atty. Dkt. No.: 5545/0432PUS1 :
: DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed July 18, 2011.

This application became abandoned June 4, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed April 3, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed December 9, 2008.

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 application has been carefully reviewed and found in compliance with the provisions of law set forth above.

In view thereof, the petition to revival pursuant to 37 CFR 1.137(b) is hereby **GRANTED**.

This application is being directed to the Office of Patent Application Processing for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 14, 2012

In re Application of :

Takanobu Suzuki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12076479

Filed : 19-Mar-2008

Attorney Docket No : 24295

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12076479
Filing Date	19-Mar-2008
First Named Inventor	Takanobu Suzuki
Art Unit	2625
Examiner Name	MARTIN MUSHAMBO
Attorney Docket Number	24295
Title	IMAGE FORMING DEVICE CONFIGURED TO RECEIVE AND PROCESS PRINT DATA FROM A CLIENT VIA NETWORK

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

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

A grantable petition requires the following items:

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

Petition Fee

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

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Paul J. Esatto, Jr./
Name	Paul J. Esatto, Jr.
Registration Number	30749

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/06/11

TO SPE OF : ART UNIT 2815

SUBJECT : Request for Certificate of Correction for Appl. No.: 12076522 Patent No.: 7851296

CofC mailroom date:

12/23/10

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**

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

 /Kenneth Parker/ 7/5/2011

SPE : Kenneth Parker Art Unit: 2815



UNITED STATES 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 :

Simon Furnish

Application No : 12076581

Filed : 20-Mar-2008

Attorney Docket No : 022720.0139D1US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

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

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

Name Prescient Medical, Inc.
Name2
Address 1 2005 South Easton Road
Address 2 Suite 204
City Doylestown
State PA
Postal Code 18901
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12076581	
Filing Date	20-Mar-2008	
First Named Inventor	Simon Furnish	
Art Unit	3768	
Examiner Name	MICHAEL ROZANSKI	
Attorney Docket Number	022720.0139D1US	
Title	Miniature fiber optic spectroscopy probes	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Prescient Medical, Inc.	
Address	2005 South Easton Road Suite 204	
City	Doylestown	
State	PA	
Postal Code	18901	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of
James Chu
Application No. 12/076,623
Filed: March 20, 2008
Attorney Docket No. 315-0106

:
:
: **DECISION ON PETITION**
TO WITHDRAW FROM RECORD
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

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

A review of the file record indicates that on March 1, 2011 the power of attorney to Birch Stewart Kolasch & Birch was revoked by the applicant 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: SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618



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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**ANTONY E. EDWARDS
UNIT 206 – 3500 CARRINGTON ROAD
WESTBANK BC V4T 3C1 CA CANADA**

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of :
BIGSBY, et al :
Application No. 12/076,635 : DECISION ON PETITION
Filed: March 20, 2008 :
Attorney Docket No. ACE-40080 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 2, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 3, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an 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) 272-6735.

This application is being referred to Technology Center AU 3725 for appropriate action by the Examiner in the normal course of business.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED
SEP 01 2011
OFFICE OF PETITIONS

In re Patent No. 7,897,449 :
Issue Date: March 1, 2011 :
Application No. 12/076,681 : **ON PETITION**
Filed: March 21, 2008 :
Attorney Docket No. LINH3038/REF :

This is a decision on the petition filed April 14, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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Squire, Sanders & Dempsey (US), LLP
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
Charles Hallberg :
Application No. 12/076,735 : **DECISION ON PETITION**
Filed: March 21, 2008 :
Attorney Docket No. 057614.00032 :

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

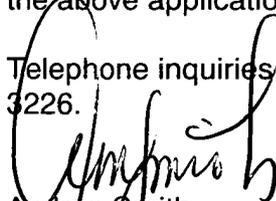
The application became abandoned for failure to a proper reply to the final Office action mailed March 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal with the \$620 fee; (2) the petition fee of \$1,860; and (3) an adequate statement of unintentional delay¹. Therefore, the petition is **granted**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the \$620 fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application is being referred to Technology Center Art Unit 3695 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the above application.

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


Andrea Smith
Petitions Examiner
Office of Petitions

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
MAR 07 2011
OFFICE OF PETITIONS

In re Patent No. 7,681,683 : DECISION ON
Takao, et al. : PATENT TERM ADJUSTMENT
Issue Date: March 23, 2010 : AND NOTICE OF INTENT
Application No. 12/076,739 : TO ISSUE
Filed: March 21, 2008 : CERTIFICATE OF
Attorney Docket No. 086142-0963 : CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(d)", filed March 22, 2010. Patentees request that the patent term adjustment indicated on the patent be corrected from one hundred two (102) days to one hundred seventy-two (172) days.

The petition is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred sixty-five (165)** days.

On March 23, 2010, the above-identified application matured into U.S. Patent No. 7,681,683. Patentees assert that they should not have been assessed applicant delay of seventy (70) days for the "PTO's late retrieval of the certified copy of the priority document" on January 13, 2010, after the Notice of Allowance was mailed on November 9, 2009.

A review of the file reveals that the Office did not "retrieve" a certified copy of the priority document on January 13, 2010, but that rather it was filed electronically by applicants on that date.

37 CFR 1.704(c)(10) states that applicant delay shall be assessed "beginning on the date the...paper was filed and ending on the mailing date of the Office action or notice in response to the...paper". Here, Applicant filed the foreign priority document on January 13, 2010, and the Office mailed a "Priority Acknowledgment" on January 19, 2010. Accordingly, Applicants should have been accorded 7 days of delay for the filing of the priority document, not 70 days as reflected in PAIR.

In view thereof, the correct determination of PTA at the time of issuance is one hundred sixty-five (165) days (172 days of PTO delay, reduced by 7 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred sixty-five (165)** days subject to any disclaimers.

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



Anthony Knight
Director
Office of Petitions

Enc: draft certificate of correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,681,683 B2

DATED : March 23, 2010

INVENTOR(S): Takao et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 102 days.

Delete the phrase "by 102 days" and insert – by 165 days--



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Date: July 22, 2011

Patent No. : 7,968,928 B2
Application No.: 12/076,766
Issued : June 28, 2011
Inventor : Abbott
Title : **DRAM LAYOUT WITH VERTICAL FETS AND METHOD OF FORMATION**

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.

Respecting the alleged error, in column 18, line 43, in claim 1, is printed in accordance with the record. 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.) 1.322.

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Valerie Jackson
Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3423

Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006-5403

vj/MFD



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ROBINSON INTELLECTUAL PROPERTY LAW OFFICE, P.C.
3975 FAIR RIDGE DRIVE
SUITE 20 NORTH
FAIRFAX, VA 22033

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki, et al. :
Application No.: 12/076,794 :
Filed: March 24, 2008 :
Attorney Docket No.: 0756-8251 :

ON PETITION

This is a decision on the petition, filed February 23, 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 28, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 2813 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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MAILED

SEP 23 2010

OFFICE OF PETITIONS

**NAVAL SEA SYSTEMS COMMAND
OFFICE OF COUNSEL
1333 ISAAC HULL AVE, SE STOP 1160
WASHINGTON NAVY YARD DC 20376**

In re Application of :
Dana R. Johansen :
Application No. 12/076,795 : **DECISION ON PETITION**
Filed: March 24, 2008 :
Attorney Docket No. 98,148 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before April 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 26, 2010. Accordingly, the date of abandonment of this application is April 27, 2010. A Notice of Abandonment was mailed May 12, 2010.

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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January 10, 2012
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of
ASSAF, PETER
Application: 12/076828
Filed: 03/24/2008
Attorney Docket No: 43361

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 24, 2008.

The petition is **GRANTED**.

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

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/076,830	03/24/2008	Michael Bronstein	1975	8103
77345	7590	12/29/2011	EXAMINER	
Graeser Associates International Inc. 70 West Madison Suite 1400 Chicago, IL 60602			DESIRE, GREGORY M	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			12/29/2011	ELECTRONIC

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

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

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

dgraeser@gai-ip.com



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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December 27, 2011

Graeser Associates International Inc.
70 West Madison
Suite 1400
Chicago IL 60602

In re Application of :
Michael Bronstein et al. : **DECISION ON PETITION**
Application No. 12076830 :
Filed: 03/24/2008 :
Attorney Docket No. 1975 :

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 24, 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 patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

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



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PHILLIP LIU
6980, WHITEOAK DRIVE
RICHMOND BC V7E 4Z9 CA CANADA

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Yuan-Chih Cheng, et al. :
Application No. 12/076,961 : **DECISION ON PETITION**
Filed: March 26, 2008 :
Attorney Docket No. TB08P0035US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 20, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 20, 2010. Accordingly, the date of abandonment of this application is August 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions



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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED
JUN 07 2011
OFFICE OF PETITIONS

In re Application of :
FEENEY, Christoher J. :
Application No. 12/076,977 : NOTICE
Patent No. 7,892,039 :
Filed: March 26, 2008 :
Attorney Docket No. 026269-00016 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 16, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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MCDERMOTT WILL & EMERY, LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Toshiyuki Uemura, et al.	:	
Application No. 12/076,980	:	DECISION GRANTING PETITION
Filed: March 26, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 050099-0398	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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 2117 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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of :
Toshiyuki UEMURA, et al. :
Application No. 12/076,980 : DECISION GRANTING PETITION
Filed: March 26, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **050099-0398** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 December 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

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

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

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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BREINER & BREINER, L.L.C.
115 NORTH HENRY STREET
ALEXANDRIA VA 22314

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of :
Charles W. Richter :
Application No. 12/076,999 : **DECISION ON PETITION**
Filed: March 26, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 6990 :
:

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 6, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Jennifer A. Harchick on behalf of herself. Accordingly, Jennifer A. Harchick associated with the above-identified application has been withdrawn as attorney of record in the above-identified application.

The correspondence address of record remains unchanged.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jennifer A. Harchick
7761 White Heron Trail
Alexandria, Virginia 22306



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

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Matthew Stuart Gast.
Application No. 12/077,051
Filed: August 6, 2010
Attorney Docket No. 43390-8040.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 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

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

The request was signed by Brian R Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed December 28, 2010 that requires a reply from applicant.

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

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

cc: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETWORKS, INC
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/077,051	03/14/2008	Matthew Stuart Gast	43390-8040.US01

CONFIRMATION NO. 4649

POWER OF ATTORNEY NOTICE



Date Mailed: 03/21/2011

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

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

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

/amwise/

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



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**NIXON PEABODY LLP
P.O. BOX 60610
PALO ALTO CA 94306**

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Fathy Yassa :
Application No. 12/077,071 : **DECISION ON PETITION**
Filed: March 13, 2008 :
METHOD AND APPARATUS TO :
BROADCAST CONTENT TO HANDHELD :
WIRELESS DEVICES VIA DIGITAL SET- :
TOP-BOX RECEIVERS :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2009, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed April 1, 2008, 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 Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MAILED

NOV 16 2011

GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE WA

PCT LEGAL ADMINISTRATION

In re Application of	:	
SITI et al.	:	
Application No.: 12/077,073	:	
Filing Date: 14 March 2008	:	
Attorney's Docket No.: 2110-243-03	:	DECISION on PETITION
For: METHOD AND	:	
APPARATUS FOR MULTIPLE ANTENNA	:	UNDER 37 CFR 1.78(a)(3) & (a)(6)
COMMUNICATIONS...	:	

This is a decision on Petitioner's "Petition To Accept Unintentionally Delayed Priority Claim Under 37 CFR 1.78(a)(3)", filed 06 September 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120, 365(c) and 119(e) for the benefit of priority of PCT Application No. PCT/US06/28256, filed on 20 July 2006. The petition will be treated under 37 CFR §1.78(a)(3) and (a)(6).

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after the 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).

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) 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)(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 complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications have been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the 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.

Application Number: **Error! Reference source not found.**

-2-

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

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Bryan Lin/
Bryan Lin
PCT 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
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LARRY A. SCHEMMEL
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 1850
JACKSON, MS 39215-1850

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of
G. Marshall Molen, et al.
Application No. 12/077,084
Filed: March 14, 2008
Attorney Docket No.: 07-0129-272

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 9, 2012, as required by the Notice of Allowance and Fee(s) Due mailed October 7, 2011. On January 10, 2012, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 20, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$870 issue fee and \$300 publication fee; (2) the petition fee of \$930; 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 inquiries 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



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.
12/077,100	03/17/2008	Alma Gregory Sorensen	125141.00028.MGH 3371	5608
7590 05/04/2011 QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER FETZNER, TIFFANY A	
			ART UNIT 2858	PAPER NUMBER
			NOTIFICATION DATE 05/04/2011	DELIVERY MODE 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



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May 2, 2011

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

Re Application of
SORENSEN, ALMA GREGORY : **DECISION ON PETITION**
Application: **12/077100** : **ACCEPTANCE OF COLOR**
Filed: **03/17/2008** : **DRAWINGS**
Attorney Docket No: **125141.00028.MGH 3371** :

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 28, 2011.

The petition is **GRANTED**.

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

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

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

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

Telephone inquiries 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



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Alexandria, VA 22313-1450
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JOHN M. OLIVO
ARMSTRONG WORLD INDUSTRIES, INC.
2500 COLUMBIA AVENUE
P.O. BOX 3001
LANCASTER PA 17604-3001

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of :
OLESKE :
Application No. 12/077,132 : DECISION ON PETITION
Filed: March 17, 2008 :
Attorney Docket No. 1061-002 :

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

The petition is **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 September 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 (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 2835 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

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

cc: WILLIAM P. SMITH
100 PINE STREET
HARRISBURG, PA 17101



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Commissioner for Patents
United States Patent and Trademark Office
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MAILED

SEP 09 2010

OFFICE OF PETITIONS

NIRO, SCAVONE, HALLER & NIRO
SUITE 4600
181 W. MADISON
CHICAGO, IL 60602

In re Application of
Eugene Sessa
Application No. 12/077,191
Filed: March 17, 2008
Attorney Docket No.: 3695

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:
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ON PETITION

This is a decision on the petition, filed July 20, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2010. A Notice of Abandonment was mailed on July 13, 2010. In response, on July 20, 2010, the present petition was filed.

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

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/077,290 03/17/2008 Xi He C065272/0217779 5774

7590 12/15/2011
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104

Table with 1 column: EXAMINER

WEN, SHARON X

Table with 2 columns: ART UNIT, PAPER NUMBER

1644

Table with 2 columns: MAIL DATE, DELIVERY MODE

12/15/2011

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



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December 15, 2011

Bryan Cave LLP
1290 Avenue of the Americas
New York NY 10104

In re Application of
Xi He et al.
Application No. 12077290
Filed: 3/17/2008
Attorney Docket No. C065272/0217779

:
:
:
:
:

DECISION ON PETITION
ACCEPTANCE OF COLOR
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 17, 2008.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch



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MAILED

NOV 15 2011

OFFICE OF PETITIONS

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

In re Application of :
Hisasul Tamada :
Application No. 12/077,350 : **DECISION GRANTING PETITION**
Filed: March 18, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 135419-2019 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2883 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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**WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468**

MAILED

MAY 3 1 2011

**OFFICE OF PETITIONS
ON PETITION**

In re Patent No. 7,841,115 :
Application No. 12/077,353 :
Filed: March 17, 2008 :
Issued: November 30, 2010 :
Attorney Docket No. 506-167 :

This is a decision on the petition filed April 11, 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**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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



DOUGLAS L WELLER
431 MAGNOLIA LANE
SANTA CLARA CA 95051

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Hin Leong Tan et al. :
Application No. 12/077,389 : ON PETITION
Filed: March 17, 2008 :
Attorney Docket No: 1024 :

This is a decision on the petition filed September 24, 2010 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed February 26, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned May 27, 2010. Accordingly, a Notice of Abandonment was mailed September 14, 2010.

This matter is being referred to Technology Center 2836 for appropriate action on the amendment filed September 24, 2010.

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

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
24th Floor
666 Third Avenue
New York NY 10017

MAILED
SEP 01 2011
OFFICE OF PETITIONS

In re Patent No. :
7,851,509 :
Application No. 12/077,396 : DECISION GRANTING PETITION
Filing Date: March 18, 2008 :
Issue Date: December 14, 2010 :
Attorney Docket No. 24852-501 CIP DIV1 :

This is a decision on the petition under 37 CFR 1.182, filed August 18, 2011, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,851,509 on December 14, 2010. Petitioner requests a duplicate Letters of Patent indicating that the original Letters of Patent was never received. It is noted that petitioner provided no docket records in support of the alleged non-receipt of the original Letters of Patent. It is, therefore, appropriate to issue the duplicate Letters of Patent contingent upon the receipt of the \$400.00 petition fee. The petition fee of \$400.00 was received on August 18, 2011.

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

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 solely to the address of record until appropriate written instructions to the contrary are received. Petitioner is advised that the Office of Data Management may send the duplicate Letters of Patent to the address of record, rather than the address cited in the petition as petitioner requested.

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Ollie Person—Office of Data Management FAX: 571-270-9764
Kimberly Terrell—Office of Data Management FAX: 571-270-9958

cc:

Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C
One Financial Center
Boston, MA 02111



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Alexandria, VA 22313-1450
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Matthew J. Booth & Associates, PLLC
c/o CPA Global
P.O. Box 52050
900 Second Avenue South, Suite 1560
Minneapolis, MN 55402

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
David Oles, et. al. :
Application No. 12/077,431 :
Filed: March 19, 2008 :
Attorney Docket No. 27000-0136 :

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

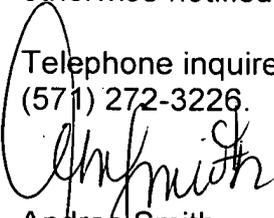
This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed December 10, 2010.

The request is **MOOT**.

A review of the file record indicates that power of attorney to the attorneys/agents associated with Customer Number 25223 was revoked by the assignee of the above application on January 23, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will 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) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Whiteford, Taylor & Preston, LLP
Attn: Gregory M. Stone (Joseph Morales)
Seven Saint Paul Street
Baltimore, MD 21202-1626



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MAILED

MAR 19 2012

OFFICE OF PETITIONS

FERRELLS, PLLC
P. O. BOX 312
CLIFTON, VA 20124-1706

In re Application of :
Dieter Ruchatz :
Application No. 12/077,433 : ON PETITION
Filed: March 19, 2008 :
Attorney Docket No. 206TP02.US :
(TAPGMBH-08-1) :

This is a decision in response to the petitions filed March 6, 2012 entitled "Petition Under 37 CFR 1.183 to Delay Issuance" and "Petition to Correct Priority Claim Under 37 CFR 1.55". This is also a decision on the renewed petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed March 19, 2012.

As to the petition to defer issuance of the patent:

The petition is DISMISSED under the provisions of 37 CFR 1.314.

Issuance of a patent cannot be deferred after an application has received a patent number and an issue date unless the application is withdrawn from issue under 37 CFR 1.313(b) [Office initiative] or (c) [applicant's request]. *See* MPEP 1306.01.

As to the renewed petition to withdraw from issue:

The petition under 37 CFR 1.313(c)(2) 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 5, 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

¹The 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).

As to the petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a foreign application:

The petition under 37 CFR 1.55(c) is DISMISSED.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

While it is noted that petitioner submitted a petition fee of \$400, rather the requisite \$1,410 fee, the petition fee deficiency of \$1,010 will be charged to counsel's deposit account as authorized.

In view of the above, the petition complies with items (1)-(3) and (5). The petition; however, does not comply with item (4), as petitioner has not provided an adequate statement of unintentional delay.

Any future petition should include the omitted item and a cover letter entitled "Renewed Petition under 37 CFR 1.55(c)."

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-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FERRELLS, PLLC
P. O. BOX 312
CLIFTON, VA 20124-1706

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of :
Dieter Ruchatz :
Application No. 12/077,433 : ON PETITION
Filed: March 19, 2008 :
Attorney Docket No. 206TP02.US :
(TAPGMBH-08-1) :

This is a decision on the petition, filed March 16, 2012, which is being treated under 37 CFR 1.313(c) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner requests that this application be withdrawn from issue since "[t]he claim for priority contains a typographical error." A Petition to Correct Priority Claim under 37 CFR 1.55, along with a corrected data sheet, has been filed. However, 37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition 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;
- (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Since the circumstances of the above-identified application do not fall within any exceptions under 37 CFR 1.313(c), the petition cannot be granted.

The appropriate avenue of relief for a grantable petition to withdraw this application from issue would be to file a Request for Continued Examination under 37 CFR 1.114, along with a petition under 37 CFR 1.55 to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a foreign application.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. Note 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

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

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

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

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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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.
12/077,510	03/19/2008	Akira Hamada	08170/LH	8034
1933 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708	7590 09/23/2011		EXAMINER MALZAHN, DAVID H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 09/23/2011	DELIVERY MODE 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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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: Akira HAMADA
Application No. 12/077,510
Attorney Docket #: 08170/LH
Filed: March 19, 2008
For: DIFFERENCE DEGREE
EVALUATION DEVICE, DIFFERENCE
DEGREE EVALUATION METHOD AND
PROGRAM PRODUCT

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 July 28, 2011 to make the above-identified application special.

The petition is **GRANTED**.

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

(1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and 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):

(a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

Or

(b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO

Or

(c) is an application which shares a common priority document with the application filed in JPO

Or

(d) and the JPO application are derived from/related to a PCT application having no priority claim

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s)
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

Effective July 15, 2011, for a period of one year ending on July 14, 2012: If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.
- b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

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

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



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PACIFIC BIOSCIENCES OF CALIFORNIA, INC.
1380 WILLOW ROAD
MENLO PARK CA 94025

MAILED

FEB 25 2011

OFFICE OF PETITIONS

In re Application of :
DEWINTER, ALEX :
Application No. 12/077,744 : ON PETITION
Filing Date: 03/20/2008 :
Attorney Docket No. 01-003101 :
US :

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

The petition is DISMISSED.

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

This application became abandoned on September 25, 2010, for failure to file a timely response to the non-final Office action mailed June 24, 2010, which set a three-month shortened statutory period to reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained.

Petitioner asserts that the delay was unavoidable because petitioner did not receive the non-final Office action mailed June 24, 2010.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed.

- (2) the petition fee as set forth in § 1.17(1);
- (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 1.137(d).

This petition lacks item (3) above.

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."

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail or facsimile, or the negligence of otherwise reliable employees,

the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

With regards to the assertion that the Office communication was not received, MPEP 711.03(c) states:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

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

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month

period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

The petition must be dismissed because petitioner has not provided a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received non-final Office action. Furthermore, 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. Lastly, petitioner must describe the system used for docketing an Office action received at the correspondence address of record and that the docketing system is sufficiently reliable.

A copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received non-final Office action must be submitted as documentary proof of non-receipt of the Office communication. 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.

In particular, petitioner must show that the non-receipt of the Office action was not caused by a change of correspondence address and the failure of petitioner to timely notify the Office of an updated mailing address. That is, petitioner must establish that petitioner was receiving mail at 1505 Adams Drive,

Menlo Park, CA 94025, on June 24, 2010, and non-receipt was not caused by the failure of the USPS to forward the mail to a new address.

A belated notification to the USPTO of a change of correspondence address does not constitute proper notification as to establish unavoidable delay. An applicant is responsible for promptly informing the Office of any change of address. Furthermore, where an application becomes abandoned as a consequence of a change of correspondence address an adequate showing of "unavoidable" delay requires a showing that applicant exercised due care to promptly notify the Office of the change of address and file a timely notification of the change of address in the application at hand. MPEP 711.03(c)(III)(C)(2). Furthermore, a delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978).

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition is dismissed.

If petitioner is unable to provide the information above, petitioner may wish to consider filing a petition under 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 § 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 § 1.20(d)) required pursuant to 37 CFR 1.137(d).

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

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

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

By hand: Customer Service Window
 Mail Stop Petition
 401 Dulany Street
 Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to 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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MAY 16 2011

OFFICE OF PETITIONS

Vincent T. Kung, Esq.
8560 Parker Place
Roswell GA 30076

In re Application of :
James A. SEWELL : DECISION GRANTING PETITION
Application No. 12/077,752 : UNDER 37 CFR 1.137(b)
Filed: March 21, 2008 :
Atty. Docket No.: Sewell-001a :

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

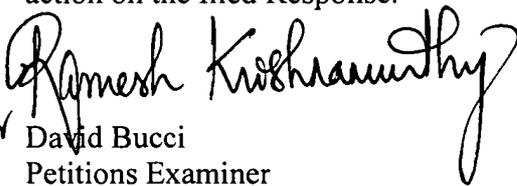
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Requirement for Restriction/Election mailed October 8, 2010, which set a shortened statutory period of reply of one (1) month. No extensions of time under 37 CFR 1.136(a) was obtained. The application thus went abandoned November 9, 2010. A Notice of Abandonment was mailed April 13, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Requirement for Restriction/Election mailed October 8, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Restriction/Election Requirement is accepted as having been unintentionally delayed.

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 3724 for further action on the filed Response.

for 
David Bucci
Petitions Examiner
Office of Petitions



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JIM H. SALTER
105 THOREAU LANE
FOLSOM CA 95630

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of :
Kenneth Andrew Miller :
Application No. 12/077,756 : **DECISION ON PETITION**
Filed: March 20, 2008 :
Attorney Docket No. Kama-03 :

This is a decision on the petition, filed May 11, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the final Office action mailed October 27, 2009.

The petition states that a reply (an amendment, three (3) month extension of time with fee, an RCE and, an IDS), was timely submitted on May 3, 2010, (Certificate of Mailing Date April 27, 2010). Petitioner included documents to support this assertion.

Further, a review of Office records indicates receipt of the above on May 3, 2010, (Certificate of Mailing Date April 27, 2010).

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

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

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received May 3, 2010 and supplemented on May 11, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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**CHARLETTE M. CRISSMAN; KLEIN, DENATALE, GOLDNER
ROSENLIEB & KIMBALL, LLP
P O BOX 11172
BAKERSFIELD CA 93389-1172**

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Winnicki, James : **DECISION ON PETITION**
Application No. 12/077,837 : **TO WITHDRAW**
Filed: March 18, 2008 : **FROM RECORD**
Attorney Docket No. 16925-1 :

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 8, 2011.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agents of Klein, Denatale, Goldner, ROsenlieb & Kimball, LLP: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

The change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. The Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

There is an outstanding Office action mailed February 4, 2011 that requires a reply from the applicant.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

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FEB 13 2012

OFFICE OF PETITIONS

In re Patent No. 8,068,951 :
Issue Date: November 29, 2011 :
Application No. 12/077,855 : **DECISION ON PETITION**
Filed: March 21, 2008 :
Attorney Docket No. EQUUS-137B :

This is a decision on the Petition To Correct Assignee and A Request For Certificate Of Correction, filed January 4, 2012, to accept the omission of the assignee's name and residence. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to accept the omission of assignee's name and residence on the previously submitted PTOL 85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to accept the omission of the assignee's name and residence to the Title Page of the Letters Patent.

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

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

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

U.S. Patent No. 8,068,951
Application No. 12/077,855
Decision on Petition under 37 CFR §3.81(b)

Page 2

However, petitioner requests a correction to be made in Column 8, Line 43. Therefore, the correction will be handled directly in the Certificate of Correction Branch.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,068,951.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
Shunpei YAMAZAKI :
Application No. 12/078,099 : **RESPONSE TO PETITION**
Filed: March 27, 2008 :
Attorney Docket No. 0756-8261 :

This is a response to the petition under 37 CFR 1.59(b), filed March 16, 2011, to expunge information from the above identified application.

The petition is **granted**.

On March 15, 2011, an Amendment was filed in the above-identified application. The Amendment was intended for U.S. Application No. 12/010,789 but was matched with the above identified application. Petitioner now requests that this amendment be removed from the file of the above identified application.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

It is agreed that it would be appropriate in this instance to close the unintentionally filed Amendment filed March 15, 2011 in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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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.
12/078,100	03/27/2008	Emre Ozer	SCS-550-1043	9671

73459 7590 03/08/2012
NIXON & VANDERHYE P.C.
901 N. Glebe Road, 11th Floor
Arlington, VA 22203-1808

EXAMINER

FENNEMA, ROBERT E

ART UNIT	PAPER NUMBER
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2183

NOTIFICATION DATE	DELIVERY MODE
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03/08/2012

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):

PTOMAIL@nixonvan.com
clm@nixonvan.com



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Alexandria, VA 22313-1450
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NIXON & VANDERHYE P.C.
901 N. Glebe Road, 11th Floor
Arlington VA 22203-1808

In re Application of: OZER, et al.
Application No. 12/078,100
Filed: March 27, 2008
Attorney Docket: **SCS-550-1043**
For: ISSUE POLICY CONTROL WITHIN
A MULTI-THREADED IN-ORDER
SUPERSCALAR PROCESSOR

DECISION ON PETITION

This paper provides the decision on the petition filed December 1, 2011 under 37 C.F.R. § 1.181 to forward the reply brief (filed on October 31, 2011) to the Board of Appeals for purpose of consideration during appeal.

The Petition is **DISMISSED**.

Applicable Prosecution History

December 13, 2010	Final Rejection mailed.
March 10, 2011	After Final Response filed. Claims essentially unamended.
March 24, 2011	Advisory Action mailed.
April 6, 2011	Pre-Appeal Conference Request filed.
May 17, 2011	Pre-appeal Decision to Proceed to Board mailed.
June 17, 2011	Applicant filed appeal brief.
August 31, 2011	Examiner's answer to appeal brief mailed.
October 31, 2011	Applicant filed Reply brief.

- November 16, 2011 Examiner denied entry of Reply brief, and issued a communication to applicant, informing applicant why the reply brief would not be entered (introduction of new evidence).
- December 1, 2011 Instant Petition filed, requesting that the Reply Brief (filed on October 31, 2011) be forwarded to the Board of Appeals for purpose of consideration during appeal.

RELIEF REQUESTED

The Applicant respectfully that the Reply Brief (filed on October 31, 2011) along with Exhibits A-D be entered, and forwarded to the Board of Appeals for purpose of consideration during appeal.

OPINION

Petitioner alleges that the Examiner presented new arguments for the first time in the Examiner's Answer with a) the statement that "the words "in order" by themselves, do not particularly mean anything"; b) Issue Policy and Fetch Policy the same; and c) the Examiner alleges that "policy" and "result" are the same and apparently denies the college dictionary definition of "policy".

Petitioner asserts that the evidence (Exhibits A-D) presented with the Reply Brief were provided to rebut the Examiner's arguments presented for the first time in the Examiner's Answer.

ANALYSIS

MPEP 1208 states in part:

1208 [R-3] Reply Briefs and Examiner's Responses to Reply Brief<
**>37 CFR 41.41. Reply brief.

- (a) (1) Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer.
- (2) A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See § 1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and § 41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.
- (b) A reply brief that is not in compliance with paragraph (a) of this section will not be considered. Appellant will be notified if a reply brief is not in compliance with paragraph (a) of this section.

(c) Extensions of time under § 1.136 (a) of this title for patent applications are not applicable to the time period set forth in this section. See § 1.136 (b) of this title for extensions of time to reply for patent applications and § 1.550 (c) of this title for extensions of time to reply for ex parte reexamination proceedings..
.....In response to the following, however, appellant is required to file either a reply brief to maintain the appeal or a reply under 37 CFR 1.111 to reopen prosecution:

- (A) An examiner's answer that contains a new ground of rejection pursuant to 37 CFR 41.39 (see MPEP § 1207.03); or
- (B) A supplemental examiner's answer responding to a remand by the Board for further consideration of a rejection pursuant to 37 CFR 41.50(a) (see MPEP § 1207.05). Such a supplemental examiner's answer may contain a new ground of rejection (also see MPEP § 1207.03).

If appellant requests that the appeal be maintained in response to a new ground of rejection made in an examiner's answer or a supplemental examiner's answer, the appellant must file a reply brief to address each new grounds of rejection set forth in the answer in compliance with 37 CFR 41.37(c)(1)(vii) within two months from the mailing of the answer. The reply brief should include the following items, with each item starting on a separate page, so as to follow the other requirements of a brief as set forth in 37 CFR 41.37(c):

- (A) Identification page setting forth the appellant's name(s), the application number, the filing date of the application, the title of the invention, the name of the examiner, the art unit of the examiner and the title of the paper (i.e., Reply Brief);
- (B) Status of claims page(s);
- (C) Grounds of rejection to be reviewed on appeal page(s); and
- (D) Argument page(s).

In the communication mailed by the examiner on November 16, 2011, examiner refused entry of the Reply Brief filed on October 31, 2011 for the reason that the reply brief included new affidavit evidence (Exhibits A-D).

a) Does the Statement "The words "In Order" by themselves do not mean anything" in the Examiner's Answer introduce a new argument?

Claim 1 recites:

- 1. A multi-threaded in-order superscalar processor comprising:
 - instruction issue circuitry, responsive to a selected issue policy, configured to generate a selection of instructions to issue to respective execution units from among instructions of a plurality of program threads in accordance with said selected issue policy, said selected issue policy corresponding to an algorithm for generating said selection of instructions; and
 - issue policy selection circuitry, responsive to dynamic behavior of said multi-threaded in-order superscalar processor, configured to select said selected issue policy from among a plurality of issue policies.

Examiner rejected the above claim in the Non-Final action mailed on July 9, 2010 as being anticipated by Shin et al. ("Dynamic Scheduling Issues in SMT Architectures", hereinafter Shin).

In the response filed on October 12, 2010, Petitioners argued that Shin's processor is an "Out-of-order" processor, whereas the claim was drawn to an "in-order" processor.

In the Final Office Action mailed on December 13, 2010, Examiner challenged Petitioner's assertion that Shin is an "out-of-order" Processor, and requested Petitioners to provide evidence that "ICOUNT" is an out of order fetching policy. Examiner further noted that the recitation of the in-order processor would ordinarily not be given patentable weight because the recitation occurs in the preamble (Refer page 21 of Final Rejection), and further noted that "In Order" and "Out of Order" would be obvious variants of each other.

In the After Final response filed on March 10, 2011, Petitioner provided as evidence the paper by Durai et al ("Transparent Threads: Resource Sharing in SMT Processors for High Single-Thread Performance") and Tullsen et al reference ("Exploiting Choice: Instruction Fetch and Issue on an Implementable Simultaneous Multithreading Processor") to show that "Fetch and Issue Pipelines stages *can* have their own independent decision logic" (refer page 19 of response), but provided no arguments in support of their position that Shin is an "out-of-order" processor. Further Examiner's assertions that "the recitation of the in-order processor would ordinarily not be given patentable weight because the recitation occurs in the preamble" and that "In Order" and "Out of Order" would be obvious variants of each other, were not challenged by Petitioners in this After Final Response.

In the Appeal brief filed on June 17, 2011, Petitioners put forth the argument for the first time that "the Examiner fails to heed the statement that "any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation" citing MPEP §2111.02, and alleged that the structure positively recited in the independent claims are missing in the Shin reference.

In the Examiner Answer, Examiner addressed this argument with the explanation that "the words "In Order" by themselves do not mean anything" and explained that "In-order" in the absence of any specific definition could be interpreted many ways, and provided a couple of different possible interpretations of the term (refer pages 26 and 27 of the Answer).

In The Reply Brief filed on November 16, 2011, Petitioners introduced Exhibits C and D as evidence to show the differences between In-Order and Out-of-Order Processors, to rebut the Examiner's statement that "the words "in order", by themselves, do not particularly mean anything".

The question then is whether a new argument was presented by the Examiner in the Examiner's Answer with regard to In-Order Processing.

It is evident from the prosecution history that the question of the differences between "In Order" and "Out of Order" Processing has been argued by both sides at least since October

12, 2010, when the argument was first presented by Petitioners in the response to the First Action on the Merits, and responded to by Examiner in the Final Rejection. It is noted that Examiner made the statement "recitation of the in-order processor would ordinarily not be given patentable weight because the recitation occurs in the preamble" in the Final Rejection, which in essence is equivalent to the statement made in the Examiner's Answer that "In Order by themselves do not mean anything", and was a further explanation of the position in response to Petitioners' new arguments that the "Examiner failed to heed the statement" regarding preamble. Accordingly, Petitioners' arguments that evidence C-D were required to respond to new arguments introduced for the first time in the Examiner's Answer are found to be without merit.

b) Are Issue Policy and Fetch Policy the same:

Petitioners have argued the Durai and Tullsen references to support their position, but it must be noted that these two references are already of record. Petitioners have not presented any argument regarding Exhibits A-D in this respect, and hence this issue has no bearing on the instant decision.

c) Does the Examiner allege that "policy" and "result" are the same and apparently deny the college dictionary definition of "policy".

In the response filed on October 12, 2010, Petitioners argued that Shin related to "fetch" policies while the Instant Application dealt with "Issue" policies, and the claimed circuitry were not taught by Shin.

In the Final Office Action mailed on December 13, 2010, Examiner noted that "while fetching and issuing are different from each other, they are heavily related", and asserted that "dynamic fetching selection" is also "dynamic issuing selection" based on how Shin operates. The Final Action further stated that "In Shin's case, when the policy's may be "fetch" policies, and not explicitly labeled as "issue" policies, Examiner asserts that an **identical result** is achieved, as the fetch policies directly change the issue policy in Shin's invention".

In the After Final response filed on March 10, 2011, Petitioners provided as evidence the paper by Durai et al and Tullsen et al reference to show that "Fetch and Issue Pipelines stages *can* have their own independent decision logic" (refer page 19 of response), and challenged Examiner's statement that "while fetching and issuing are different from each other, they are heavily related".

The Advisory Office Action mailed March 24, 2011, reiterated Examiner's position that "fetching and issuing were heavily related", and that Shin resulted in the claimed invention, and asserted that "changing the fetch policy is functionally identical to changing the issue policy, the exact same outcome results".

The Appeal Brief presented arguments with respect to this issue (refer Appeal Brief - page 8), but did not provide any evidence for definition for "policy".

Petitioners introduce Exhibits A and B as evidence for the first time to provide a definition for the term "policy" in the Reply Brief filed on October 31, 2011.

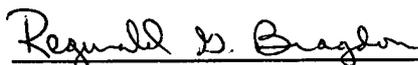
Per MPEP 1208 and 37 CFR 41.41 (a), A Reply Brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or evidence. Petitioners' argument that the new evidence (Exhibits A-D) was necessitated by new arguments set forth by the examiner for the first time in the Examiner's answer is found to be without merit.

Accordingly, the Notice of Non-Compliant Reply Brief mailed on November 16, 2011, is found to be proper per 37 CFR 41.41(b).

For the above stated reasons, the petition is **DISMISSED**.

The application will be forwarded to the Board of Patent Appeals and Interferences, for further action.

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



Reginald Bragdon, Acting Director
Technology Center 2100
Computer Architecture, Software, and Information Security

RGB:mp



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/078,199 03/27/2008 Natsushi Miura 26D-048 1270

7590 11/23/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

PRICE, CRAIG JAMES

ART UNIT PAPER NUMBER

3753

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.

Mimi Farmer (handwritten signature)

Patent Publication Branch
Office of Data Management

12/078,199 03/27/2008 Natsushi Miura 26D-048 1270

03/27/2008 03/27/2008 03/27/2008 03/27/2008

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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

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

Attorney Docket Number: CHAO3053/EM	Patent Number: 7659510
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Filing Date (or 371(b) or (f) Date): 2008-03-28	Issue Date: 2010-02-09
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First Named Inventor: Chih-Yu Chao

Title: CRYO-CHARGING SPECIMEN HOLDER FOR ELECTRON MICROSCOPE
--

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

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

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

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

Signature /ThomasJMoore/	Date 2010-08-05
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Name (Print/Typed) Thomas J. Moore	Registration Number 28974
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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.

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**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

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

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

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

Privacy Act Statement

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

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

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



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/13/2010

Applicant : Chih-Yu Chao : DECISION ON REQUEST FOR
Patent Number : 7659510 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/078,223 : OF WYETH AND NOTICE OF INTENT TO
Filed : 03/28/2008 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **193** 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.

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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

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

Attorney Docket Number: FUNA3004/EM	Patent Number: 7659796
Filing Date (or 371(b) or (f) Date): 2008-03-28	Issue Date: 2010-02-09
First Named Inventor: Masayuki Funami	
Title: SURFACE ACOUSTIC WAVE DEVICE AND DUPLEXER AND COMMUNICATION DEVICE USING THE SAME	

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).

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

Signature /ThomasJMoore/	Date 2010-08-05
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

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

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For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

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

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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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/13/2010

Applicant : Masayuki Funami : DECISION ON REQUEST FOR
Patent Number : 7659796 : RECALCULATION of PATENT
Issue Date : 02/09/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/078,232 : OF WYETH AND NOTICE OF INTENT TO
Filed : 03/28/2008 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jennifer A. Harchick
7761 White Heron Trail
Alexandria, Virginia 22306



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, LLP
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

DEC 21 2011

In re Application of : **OFFICE OF PETITIONS**
Ben Eitel :
Application No. 12/078,386 : **DECISION ON PETITION**
Filed: March 31, 2008 : **UNDER 37 CFR 1.313(c)**
Attorney Docket No. 322660US8X :

This is a decision on the petition under 37 CFR 1.313(c), filed December 20, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2193 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,411	03/31/2008	Shunpei Yamazaki	0756-8265	3039

7590 01/25/2011
Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, VA 22033

EXAMINER

ABDELAZIEZ, YASSER A

ART UNIT	PAPER NUMBER
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2812

MAIL DATE	DELIVERY MODE
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01/25/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 25, 2011

Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

In re Application of	:	
Yamazaki, Shunpei, et. el	:	DECISION ON PETITION
Application No. 12/078,411	:	
Filed: 03/31/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 0756-8265	:	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 31, 2008.

The petition is **GRANTED**.

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

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

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

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

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



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/31/2010

Applicant : Alfred Rieder : DECISION ON REQUEST FOR
Patent Number : 7654153 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/078,436 : OF WYETH AND NOTICE OF INTENT TO
Filed : 03/31/2008 : 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.



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

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NOV 12 2010

OFFICE OF PETITIONS

In re Application of :
Chi-Liang Ni :
Application No. 12/078,458 : DECISION ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. 5050/0175PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 26, 2008. A Notice of Abandonment was mailed December 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

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

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 6, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,458	03/31/2008	Chi-Liang Ni	5050/0175PUS1	2874
60601	7590	04/20/2011	EXAMINER	
Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			BUCHANAN, SHAWN	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			04/20/2011	PAPER

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

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



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4000 Legato Road
Suite 310
Fairfax, VA 22033

APR 20 2011

In re Application of:
Chi-Liang Ni
Serial No.: 12/078,458
Filed: March 31, 2008
For: MULTIPLE-CONNECTED MICROSTRIP
LINES AND THE DESIGN METHODS
THEREOF

DECISION ON PETITION

This is a decision on the petition, filed April 12, 2011, requesting that the Office action of March 7, 2011 be remailed and the period for reply thereto be reset due to late receipt.

The petition is granted to the extent that the shortened statutory period for reply is hereby reset to run from April 12, 2011 but denied as to remailing of the Office action.

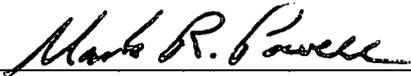
Petitioner asserts that, during a status check in PAIR on April 12, 2011, it was discovered that an Office action was mailed on March 7, 2011. The instant petition was filed on April 12, 2011 2005 along with a copy of the docket record as evidence of non-receipt. Petitioner asserts that the Office action was apparently returned to the USPTO undelivered on March 11, 2011 as a copy of the Office action having a USPTO receipt date of March 11, 2011 appears in the application file in PAIR. Petitioner requests that the non-final rejection be remailed and the shortened statutory period for reply be reset.

The file record indicates that a non-final Office action was mailed March 7, 2011. The Office action was returned undelivered on March 11, 2011 and no attempt was made to remail the action pursuant to M.P.E.P. § 707.13.

Since the Office action was accessed and downloaded by petitioner on April 12, 2011, it was available to petitioner on that date and its remailing is not deemed necessary. However, since more than one month of the three-month shortened statutory period has elapsed before was aware of the issuance of the Office action, it is necessary to rest this period to run from the date the Office action was accessed and downloaded by petitioner.

For the above stated reason, the Office action will not be remailed but the shortened statutory period for reply is hereby reset to run three-months from April 12, 2011. Extensions of this period are governed by 37 C.F.R. §1.136(a).

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



Mark Powell, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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Yen Jung Sung
30-47 37 St.
Astoria, NY 11103

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FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Hsueh-Yu Lu :
Application No. 12/078,460 :
Filed: March 31, 2008 :
Attorney Docket No. Asia048-US3638 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed July 29, 2010, to revive the above-identified application. The delay in responding is sincerely regretted.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;¹ (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lack items (1) and (3) above.

With respect to item (1), the fee deficiency of \$10 is required to complete the examination fee of \$110.

With respect to item (3), petitioner alleges that the previous attorney of record, Bruce Troxell, misrepresented the above application and this misrepresentation resulted in the unavoidable abandonment. Petitioner states "...the local agent believed that the case was pending without any problems or outstanding actions, as heretofore Mr. Troxell would always advise the local agent if there were any outstanding issues – which was the case all the way up to December of 2009."

¹ 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.

A review of the record shows that a Notice to File Missing Parts of Nonprovisional Application was mailed on April 23, 2008, which set a two months period within which to submit a reply. Since no reply was received and no extensions of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned on June 24, 2008. A Notice of Abandonment was mailed on December 29, 2008.

From petitioner's own admission, Mr. Troxell advised the local agent of any outstanding issues up until December 2009. Petitioner should note that this application was abandoned on June 24, 2008. Therefore, the argument that Mr. Troxell misrepresented information regarding this application is immaterial to the above application.

In view of the above, the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Petitioner should note that the USPTO must rely on the action or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

Petitioner is also reminded that any omissions of former counsel did not relieve applicant from the obligation to exercise diligence with respect to this application. Douglas v. Manbeck, 1991 U.S. Dist. LEXIS 16404, 21 USPQ2d 1697, 1700 (E.D. Pa. 1991), *aff'd*, 975 F.2d 869, 24 USPQ2d 1318 (Fed. Cir. 1992) (applicant's failure over a two year period, to exercise due diligence in prosecuting this application overcame and superseded any omissions on the part of prior counsel). In the absence of an adequate showing of diligence in this *matter throughout the period in question*, and a showing of affirmative misrepresentations on the part of the former agent, the actions or inactions of the former agent will remain imputed to petitioner, notwithstanding the agent's disbarment. Lonardo, supra. Had petitioner exercised more diligence in this case, he would have been able to correct the matter in a more timely fashion. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Why was petitioner "unavoidably" prevented from contacting the USPTO or taking any efforts to

ensure prosecution, when he was informed of the status of this application up and until December 2009²?

Petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee. A blank unintentional petition form is enclosed for petitioner's use.

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 further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." 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 PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

The Centralized facsimile number is (571) 273-8300, and documentation to this number should be addressed to the Office of Petitions.

Since the address given in the present petition differs from the correspondence address of record, a courtesy copy of this decision is being mailed to petitioner. Thereafter, all future correspondence from the Office will be mailed solely to the address of record until notified by the applicant.

² A delay resulting from a failure in communication between a party and his or her registered practitioner is a delay binding upon petitioner. See In Re Kim, 12 USPQ2d 1595 (Comm'r Pat. 1988); Ray v. Lehman, 55 F.3d 606, 610, 34 USPQ2d 1786, 1789 (Fed. Cir. 1989).

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

Enclosure: Petition under 37 CFR 1.137(b) – Form No. PTO/SB/64

cc: Yen Jung Sung
2180 38 St. #C8
Astoria, NY 11105



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Yen Jung Sung
30-47 37 St.
Astoria, NY 11103

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re, Application of :
Hsueh-Yu Lu :
Application No. 12/078,460 : **ON PETITION**
Filed: March 31, 2008 :
Attorney Docket No. Asia048-US3638 :

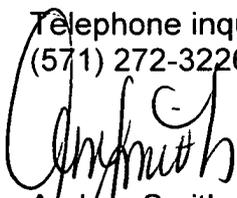
This is a decision on the renewed petition under 37 CFR 1.137(a), filed April 27, 2011, to revive the above-identified application.

In response to the decision mailed February 28, 2011, petitioner submits the present renewed petition along with the \$10 fee deficiency to complete the required \$110 examination fee.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of \$270 for the search fee, \$110 for the examination fee, \$165 for the filing fee and \$65 for the late filing surcharge; (2) the petition fee of \$270; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Therefore, the petition is **GRANTED**.

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

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


Andrea Smith
Petitions Examiner
Office of Petitions


David Bugci
Petitions Examiner



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YEN JUNG SUNG
30-47 37 ST.
ASTORIA, NY 11103

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OFFICE OF PETITIONS

In re Application of :
Yuan-Wen Yu :
Application No. 12/078,461 : **DECISION ON PETITION**
Filed: March 31, 2008 :
Attorney Docket No. Asia-043-US3613 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 4, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed April 23, 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 June 24, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1), and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In the instant application the response to the outstanding Notice received August 4, 2010 was incomplete. While it is noted that petitioner did file a reply to the Notice action mailed April 23, 2008, however, the fees were insufficient. The cost of the examination fee paid was \$100. As of September 30, 2008, the fees were increased to \$110. Petitioner must pay an additional \$10 to make the reply complete.

With respect to item 3:

Petitioner attests that the delay in filing a timely response to the Notice to File Missing Parts of Non-provisional Application was unavoidable due to the action or inaction of Bruce Troxell, the duly authorized and chosen representative of the applicant.

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). 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).

Specifically, petitioner states that Bruce Troxell caused the local agents in Taiwan to believe that this application and others like it, were pending when, in fact the filing fees that had been paid in advance has been misappropriated by Mr. Troxell.

Petitioner has submitted no evidence which indicates that petitioner was misled by Mr. Troxell with respect to the above-identified application. In this regard, petitioner submitted an invoice dated December 21, 2007 along with a transmittal letter from Mr. Troxell indicating that \$515 in fees were to be paid to the USPTO. A review of the application shows that a letter from Mr. Troxell stating the filing of the application, however there is no indication that the application fees were paid.

The record also indicates that Mr. Troxell was responsible for prosecution of the above identified application when the reply necessary to avoid abandonment was due. Therefore, petitioner must provide a statement from Mr. Troxell explaining why action was not timely taken to prevent the above-identified application from becoming abandoned.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Mr. Troxell, by certified or registered mail (return receipt requested) indicating that the Patent and Trademark Office is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the Patent and Trademark Office is request that Mr. Troxell provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent abandonment of the above-identified application from becoming abandoned. Petitioner is advised that in the event that Mr. Troxell does not provide such a statement, petitioner should submit a copy of such letter and the return receipt.

The USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. *Link v. Wabash*, 370 U.S. 626, 633-34 (1962); *Huston v. Ladner*, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also *Haines v. Quigg*, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).. Specifically, petitioner's delay caused by the mistakes or omissions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133. See *Haines v. Quigg, supra*; *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

While the showing of the record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of the unintentional delay.

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

Petitioner is reminded that the Patent and Trademark Office is not the proper forum for resolving disputes between applicants and their representatives. See *Ray v. Lehman*, 55 F.3d 606,34 USPQ2d 1786 (Fed. Cir. 1995).

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

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.

/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
www.uspto.gov

YEN JUNG SUNG
30-47 37 ST.
ASTORIA, NY 11103

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of :
Shan Chaing Lin :
Application No. 12/078,461 : ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. Asia-049-US3645 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed May 27, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed April 23, 2008. The Notice set a period of reply of two 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 June 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of the application filing, search and examination fees and the surcharge for the late submission of the filing fee; (2) the petition fee of \$270; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

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

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing in the normal course of business.

/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
www.uspto.gov

APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE, WA 98125

MAILED

AUG 26 2011

In re Application of : OFFICE OF PETITIONS
Yuan Lin :
Application No. 12/078,462 : DECISION ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. 09.88.09.USP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2011, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected formal drawings on or before July 20, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 20, 2011. Accordingly, the date of abandonment of this application is July 21, 2011.

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

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

The drawings have been approved by the USPTO draftsman.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the status of this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

DEC 09 2011

OFFICE OF PETITIONS

NOTICE

In re Application of :
Darren Krahn, et al. :
Application No. 12/078,498 :
Filed: April 1, 2008 :
Atty Docket No.: 223-16 US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 11, 2011.

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

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

This 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) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE, SUITE 101
ELLICOTT CITY MD 21043

MAILED

AUG 16 2010

In re Application of	:	OFFICE OF PETITIONS
Min Chien TENG	:	
Application No. 12/078,534	:	ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. MR1683-915	:	

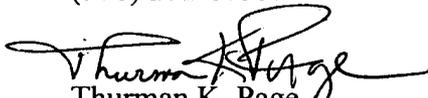
This is a decision on the petition, filed May 10, 2010, which is requesting that the requirement be waived or suspended pursuant to 37 CFR 1.183.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 25, 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 June 26, 2008. A Notice of Abandonment was mailed December 31, 2008.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

Telephone inquiries regarding this communication should be directed to Diane Goodwyn at (571) 272-6735.


Thurman K. Page
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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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE, SUITE 101
ELLICOTT CITY MD 21043

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AUG 03 2010

OFFICE OF PETITIONS

In re Application of :
Min Chien TENG :
Application No. 12/078,540 : **ON PETITION**
Filed: April 1, 2008 :
Attorney Docket No. MR1683-914 :

This is a decision on the petition, filed May 10, 2010, which is requesting that the requirement be waived or suspended pursuant to 37 CFR 1.183.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 25, 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 June 26, 2008. A Notice of Abandonment was mailed December 31, 2008.

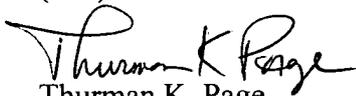
In the petition filed May 10, 2010, petitioner has requested waiver of the requirement for any petition fees in regard to reinstatement of the above-identified application. Petitioner asserts that the facts surrounding the requirement for the petition has created an extraordinary situation and that justice requires the Director of Patents and Trademarks to suspend the rules where the applicants did everything necessary to ensure a proper filing and payment of all required fees. Petitioner further asserts that Attorney Bruce Troxel was appointed attorney to prosecute the above-identified application in the USPTO. However, Mr. Troxel failed to pay the required fees to the Office in response to the Notice mailed April 25, 2008. Petitioner states "the fees were paid to Mr. Troxel and a filing receipt was received, thus applicants had no reason to believe any other actions were required on their part and are completely and totally harmless."

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.

The petition cannot be granted under 37 CFR 1.183 because reliance on Attorney Troxel to pay the required fees, is not considered an extraordinary situation and no other extraordinary circumstances have been presented. Based on the facts presented, the Office will not waive the rules.

As authorized, the petition fee under 37 CFR 1.183 is being charged to Deposit Account No. 18-2011.

Telephone inquiries regarding this communication should 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
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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of :
Min Chien Teng :
Application No. 12/078,540 : **DECISION ON REQUEST FOR REFUND**
Filed: April 1, 2008 :
Attorney Docket No. MR1683-914 :

This is a decision on the Request For Refund filed August 19, 2010.

The request is **GRANTED**.

As authorized, the \$400.00 petition fee charged on May 10, 2010, has been credited to petitioner's deposit account.

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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Muncy, Geissler,
Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Chen et al. : DECISION ON PETITION
Application No. 12/078,541 :
Filed: April 1, 2008 :
Attorney Docket No. 5545/0358PUS1:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 21, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective June 26, 2008 for failure to reply to the Notice to File Missing Parts of Application mailed April 25, 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. A courtesy Notice of Abandonment was mailed on December 31, 2008.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of filing, search and examination fees and the late surcharge; the petition fee; and the required statement of unintentional delay.

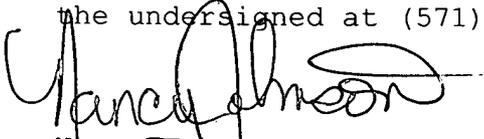
It appears that the attorney signing the statement of unintentional delay was appointed after the abandonment of the application. Thus, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the

event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Further, the instant application has been abandoned for an extended period of time. The Office is relying on petitioner's duty of good faith and candor in accepting the assertion that the entire delay in filing the required reply was unintentional. See 37 CFR 10.18.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed April 21, 2011.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/078,573	04/01/2008	Gaetan Milante	64845-258105	3862
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26694 7590 10/25/2010

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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10/25/2010

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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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of:	:	
MILANTE, GAETAN	:	DECISION ON REQUEST TO
Serial No. 12/078,573	:	PARTICIPATE IN PATENT
Filed: April 1, 2008	:	PROSECUTION HIGHWAY
Docket: 64845-258105	:	PILOT PROGRAM AND
Title:	:	PETITION TO MAKE
CONVERTIBLE CHILD-RESISTANT	:	SPECIAL UNDER 37 CFR
VIAL	:	1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 22, 2010 to make the above-identified application special.

The request and petition are granted.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Anthony Stashick, SPE of Art Unit 3781 and 571-272-4940.

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

Petition Granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

This matter is being referred to Technology Center 3742 for a re-mailing of the Restriction Requirement and for a restarting of the period for response.

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

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Koichi Abe :
Application No. 12/078,632 : **ON PETITION**
Filed: April 2, 2008 :
Attorney Docket No.: 136579 :

This is a decision on the petition filed March 1, 2011, to revive the above-identified application under 37 CFR 1.137(b) for copendency with a continuing application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to the non-final Office action, mailed December 8, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 27, 2010. This decision precedes the mailing a Notice of Abandonment.

Petitioner seeks revival solely for obtaining copendency with continuing application No. 13/037,026 filed February 28, 2011, in that the necessary continuity inadvertently was not maintained at that time.

Since this application is being revived for purposes of continuity with application No. 13/037,026, and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

The offer to make the belated payment of the 3-month extension of time fee under 37 CFR 1.136(a) is unnecessary. 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 \$1,110 extension of time fee submitted with the petition on March 1, 2011, is being refunded to petitioner's deposit account as authorized.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)	
Nonprovisional Application Number or Control Number (if applicable): 12/078,680	Patent Number (if applicable):
First Named Inventor: Izumi OGATA	Title of Invention: MASS SPECTROMETRIC ANALYZER
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date June 8, 2011
Name (Print/Typed) Keith E. George	Practitioner Registration Number 34,111
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>	



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Ogata et al. :
Application No. 12/078,680 : **DECISION ON PETITION**
Filed: April 3, 2008 :
Attorney Docket No. 062758-0227 :

This is a decision on the request filed June 8, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on March 3, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2881 for re-mailing the Office action of March 3, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/078,707 04/03/2008 Chih-Yung Lu BHT-3214-262B 4984

7590 12/30/2010
TROXELL LAW OFFICE, PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

YAO, KWANG BIN

ART UNIT PAPER NUMBER

2473

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.

Mimi Turner (Handwritten signature)

Patent Publication Branch
Office of Data Management

12/30/2010 12:30:00 PM
12/30/2010 12:30:00 PM

RECEIVED 12/30/2010 12:30:00 PM
64784/2008 92000001 01000000 12070707
64784/2008 92000001 01000000 12070707
64784/2008 92000001 01000000 12070707
64784/2008 92000001 01000000 12070707



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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Yasunori Oguri et al :
Application No. 12/078,712 : DECISION GRANTING PETITION
Filed: April 3, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 135565 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 19, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 18, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2837 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,721	04/03/2008	Kang Sic Ham	1630-0654PUS1	4678
2292	7590	06/10/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			WU, SING-WAI	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2628	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2011	ELECTRONIC

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

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

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

mailroom@bskb.com



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

JUN 10 2011

In re Application of	:	
Ham, Kang SIC <i>et al</i>	:	
Serial No.: 12/078,721	:	
Filed: April 3, 2008	:	
For: CONTROLLING IMAGE AND MOBILE	:	DECISION ON PETITION
TERMINAL	:	<i>ACCEPTANCE OF COLOR DRAWINGS</i>
:	:	

This is a decision on the petition under 37 CFR §1.184(a)(2), filed April 3, 2008 requesting acceptance color drawings.

The petition requests that the color drawings identified in Figures 4A, 4b, 5a, 5b, 7a, 7b, 9a, 9b, 10a, 10b, 11a and 11b be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition is GRANTED.



Michael Horabik
Special Program Examiner
Technology Center 2600
Communications



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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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ARNOLD & PORTER LLP
555 TWELFTH STREET, NW
ATTN: IP DOCKETING
WASHINGTON, DC 20004

MAILED
NOV 10 2011
OFFICE OF PETITIONS

Applicants: Cheikh, et al.
Appl. No.: 12/078,725
Filing Date: April 3, 2008
Title: ANNOTATED PLANT GENES
Attorney Docket No.: P02304US12/16517.414
Pub. No.: US 2011/0185456 A1
Pub. Date: July 28, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 27, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein "ANNOTATD" in the title of the invention should read – ANNOTATED – and paragraph [1319], line 6, after the words "Table 1" should read -- of U.S. Application No. 09/371,146 --.

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

The typos noted by requestor in the title of the invention and paragraph 1319 of the publication are Office errors but are not material Office errors as defined under 37 CFR 1.221(b). The mistakes are minor typographical errors and do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent

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

application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130 B.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

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

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

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,748	04/04/2008	Do Hwan Kim	6661-000104/US	4847
30593	7590	06/10/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			SUCH, MATTHEW W	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2891	
			MAIL DATE	DELIVERY MODE
			06/10/2011	PAPER

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

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



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of :
Kai-Jen Hsiao et al. :
Application No. 12/078,825 : DECISION ON PETITION
Filed: April 7, 2008 :
Attorney Docket No. HSIA3053/JJC/KDW :

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 final Office action mailed, January 20, 2010, which set a shortened statutory period for reply of three (3) months. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3654 for appropriate action by the Examiner in the normal course of business on the RCE received July 29, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Arent Fox LLP
1050 Connecticut Ave., NW
Washington, DC 20036

ej



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/078,938 04/08/2008 Hiromi Ozawa 103602/07 6529

7590 07/14/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT PAPER NUMBER

2113

MAIL DATE DELIVERY MODE

07/14/2011

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.

Handwritten signature of Nomi Turner

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,966	04/08/2008	HongWoo Lee	P58790	6574
8439	7590	10/15/2010	EXAMINER	
ROBERT E. BUSHNELL & LAW FIRM			POLITO, NICHOLAS F	
2029 K STREET NW			ART UNIT	PAPER NUMBER
SUITE 600			3673	
WASHINGTON, DC 20006-1004			NOTIFICATION DATE	DELIVERY MODE
			10/15/2010	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):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com



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OCT 14 2010

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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re application of :
Hong Woo LEE : DECISION ON PETITION
Application No. 12/078,966 : UNDER 37 CFR § 1.181
Filed: April 8, 2008 :
For: PORTABLE AND FOLDABLE BED :

This is a decision on the petition filed on June 30, 2010, under 37 CFR §1.181 to request the withdrawal of the requirement to label drawing figure 1 as "Prior Art."

The petition is **DISMISSED AS MOOT**.

A review of the file record reveals that the examiner objected to the drawings and required labeling drawing figure 1 as "Prior Art" in the Office action mailed on October 16, 2009. Applicants filed a response on January 15, 2010 contending that drawing figure 1 is not "Prior Art." Applicant argues that figure 1 was described as "conventional" in paragraph [0017] of the specification, which applicant insists that it is not an admission of "prior art." A final Office action was mailed on March 31, 2010 in which the examiner repeated the drawing objection, and the requirement of labeling figure 1 as "Prior Art." Applicant filed a response to the final Office action on June 30, 2010 and this petition. Applicant again contends that figure 1 is not "Prior Art" in a 37 CFR 1.132 declaration signed by the inventor, Hong Woo Lee. The examiner issued an advisory action on July 14, 2010 approved entry of the declaration but deemed the amendment of claim 1 raises new issues which would require further consideration and/or search.

In view of the fact that applicant has agreed to amend the drawing figure 1 to include the label "Conventional," as indicated in the notice of allowance mailed on September 16, 2010, and the drawing objection has been vacated, the petition is thus moot.

Any questions regarding this letter should be directed to Supervisory Patent Examiner Pete Cuomo at (571) 272-6856.

David L. Talbott, Director
Patent Technology Center 3600
(571) 272-5150

pc/lm: 8/31/10
LM



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/078,997	04/09/2008	Joeri Lof	081468-0369620	7296
909	7590	01/24/2011	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			WHITESELL GORDON, STEVEN H	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2882	
			NOTIFICATION DATE	DELIVERY MODE
			01/24/2011	ELECTRONIC

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

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

docket_ip@pillsburylaw.com
margaret.drosos@pillsburylaw.com



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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. Box 10500
McLean, VA 22102

<i>In re</i> Application of	:	
Joeri Lof et al.	:	DECISION ON PETITION
Appl. No.: 12/078,997	:	UNDER 37 C.F.R. §1.59
Filed: April 9, 2008	:	
Attorney's Docket No.: 081468-0369620	:	
For: LITHOGRAPHIC APPARATUS AND	:	
DEVICE MANUFACTURING METHOD	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed December 23, 2010 at 17:36:53 hour, via EFS-Web, to expunge information unintentionally submitted on December 23, 2010, via EFS-Web at 17:36:53 hour.

The petition is DENIED.

Petitioner requests that 13 pages of the EFS submission, filed on December 23, 2010, be expunged from the record because it was inadvertently and unintentionally filed in the instant application instead of application No. 11/281,901.

Pursuant to M.P.E.P. §724.05. III., "37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information..."

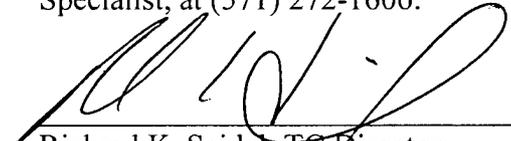
Pursuant to M.P.E.P. §724.05. II., information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted 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 C.F.R. §1.56; and (F) the petition fee as set forth in 37 C.F.R. §1.17(g) is included.

The petition also does not satisfy conditions (B), (C) and (D) above for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. §724.05. III.

For the above-stated reasons, the petition to expunge is denied. The information requested to be expunged will remain in the file record.

While the amendment filed December 23, 2010 may not be expunged, the amendment clearly fails to comply with the format required under 37 C.F.R. §1.121 and should not be entered and considered by the examiner.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



Richard K. Seidel, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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Alexandria, VA 22313-1450
www.uspto.gov

September 15, 2011

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

Re Application of
KATZ, GIL, ET AL.
Application: 12/078999
Filed: 04/09/2008
Attorney Docket No: 43463

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 9 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 inquiries 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
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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST.
NEW YORK NY 10017

MAILED
JAN 13 2012
OFFICE OF PETITIONS

In re Application of :
Gloria Coruzzi et al et al :
Application No. 12/079,001 : DECISION GRANTING PETITION
Filed: January 9, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5914-113-999 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 11, 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 3, 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 1638 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

**U.S. ARMY SOLDIER SYSTEMS CENTER
LEGAL OFFICE, A306
15 KANSAS STREET
NATICK MA 01760-5035**

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Steeves et al. :
Application No. 12/079,088 : **DECISION ON PETITION**
Filed: February 11, 2008 :
Attorney Docket No. NA-1314 :

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 timely manner to the non-final Office action mailed, September 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 December 29, 2010. A Notice of Abandonment was mailed June 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 \$1,620.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

This application is being referred to Technology Center AU 1777 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



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RAMON L. PIZARRO
SUITE 200
3515 SOUTH TAMARAC DRIVE
DENVER, CO 80237

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Gary E. Choate :
Application No. 12/079,144 : **DECISION ON PETITION**
Filed: March 25, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 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 June 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2011. Accordingly, the date of abandonment of this application is June 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 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 undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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


April M. Wise
Petitions Examiner
Office of Petitions



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.
12/079,173	03/24/2008	Shehrzad Ahmed Qureshi	012852-0040-999	8817
20583	7590	01/13/2011	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			ROGERS, DAVID A	
			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			01/13/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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In re Application of ELLSON ET AL. :
Appl. No.: 12/079,173 : **Decision on Petition**
Filed: March 24, 2008 : **37 CFR 1.48(b)**
For: ACOUSTIC ASSESSMENT OF :
CHARACTERISTICS OF A FLUID RELEVANT :
TO ACOUSTIC EJECTION :
: :
: :
: :

This decision is in response to the petition filed January 5, 2011. The petition seeks to correct inventorship pursuant to 37 CFR 1.148(b).

The petition having met all the requirements of 37 CFR 1.48(b) is granted.

The inventorship in the application has been changed by deleting **Richard N. Ellson and Mitchell W. Mutz** as inventors in the patent application.

Hezron E. Williams.
Supervisory Patent Examiner
Patent Examining Technology Center 2800

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**J. WILEY HORTON, ESQUIRE
PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.
215 S. MONROE STREET, 2ND FLOOR
POST OFFICE BOX 10095
TALLAHASSEE FL 32302-2095**

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
PAINTER :
Application No. 12/079,198 : **DECISION ON PETITION**
Filed: March 25, 2008 :
Docket No. 19692-18642 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to 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 June 28, 2011.

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

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

This application is being referred to Technology Center AU 1735 for appropriate action by the Examiner in the normal course of business.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111**

MAILED

OCT 01 2010

In re Application of : **OFFICE OF PETITIONS**
Victor D. Dolecek et al. :
Application No. 12/079,238 : **NOTICE**
Filed: March 23, 2008 :
Attorney Docket No. 37272-518C02US :

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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C.
666 THIRD AVENUE, 24TH FLOOR
NEW YORK NY 10017**



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GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
P O BOX 1909
SANDY UT 84091-1909

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of
HARMON, LARRY SHANE
Application No. 12/079,239
Filed: 03/24/2008
Attorney Docket No.
9851.CIP3.CON3.DIV1.CON

:
:
: DECISION ON PETITION
:
:
:

This is a decision on the petition under 37 CFR.1.181 filed August 26, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed May 3, 2010, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On August 25, 2010, the Office mailed a Notice of Abandonment.

Petitioner states that he filed a timely and proper reply to the non-final Office action accompanied by a request for an extension of time for response within the second month (and fee). Thus, petitioner requests that the Office withdraw the holding of abandonment.

The request for an extension of time for response within the second month and the reply filed Monday, October 4, 2010, were located among the papers in the Image File Wrapper for the above-identified application. Accordingly, the reply is considered timely filed with the request for an extension of time for response within the second month (and fee). See 37 CFR 1.8(a) and 1.136(a).

The petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that petitioner filed a timely response to the non-final Office action on Monday, October 4, 2010.

This matter is being referred to Technology Center Art Unit 3764 for further action on the reply filed on Monday, October 4, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

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
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Handal & Morofsky
Suite 108
501 Kings Highway West
Fairfield CT 06825

MAILED
FEB 08 2012
OFFICE OF PETITIONS

In re Application of :
Alice Hampton :
Application No. 12/079,295 : **DECISION ON PETITION**
Filed: March 26, 2008 :
Attorney Docket No. HPTN1002pa :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of January 5, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is April 6, 2011. A Notice of Abandonment was mailed on September 27, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

As to item (1), a reply to the final Office action mailed January 5, 2011, has not been received.

In order to accept an address change applicant has the option of filing a revocation of power of attorney indicating an address change of record on the form. This form is attached to this decision.

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

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Alice Hampton
 313 West 57th Street, Apt. 6C
 New York, NY 10019

Attachment



UNITED STATES PATENT AND TRADEMARK OFFICE

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**Handal & Morofsky
Suite 108
501 Kings Highway West
Fairfield CT 06825**

MAILED

FEB 14 2012

OFFICE OF PETITIONS

In re Application of
Alice Hampton
Application No. 12/079,295
Filed: March 26, 2008
Attorney Docket No. HPTN1002pa

**CORRECTED DECISION ON
PETITION**

This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 22, 2012, 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 5, 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 6, 2011. A Notice of Abandonment was mailed on September 27, 2011.

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

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

This application is being referred to Technology Center AU 3776 for appropriate action by the Examiner in the normal course of business on the reply received April 15, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Alice Hampton
313 West 57th Street, Apt. 6C
New York, NY 10019



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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July 8, 2011

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of :
Youfu Li et al. : **DECISION ON PETITION**
Application No. 12079382 :
Filed: 03/26/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 2055.086 : **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 26, 2008.

The petition is **GRANTED**.

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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**CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375**

**MAILED
NOV 08 2010
OFFICE OF PETITIONS**

In re Application of :
Satoru Kitazaki, et al. :
Application No. 12/079,417 : DECISION GRANTING PETITION
Filed: March 26, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CHI/KYP-107-A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 5, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



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MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston MA 02110

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Orwar et al. :
Application No. 12/079422 :
Filing or 371(c) Date: 03/26/2008 : **ON PETITION**
Attorney Docket Number: :
67829(301785) :

This is a decision on the Petition Under 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 22, 2010. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on March 23, 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 1772 for processing of the Amendment filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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HUNTLEY, L.L.C.
1220 N. MARKET STREET, SUITE 600
P.O. BOX 948
WILMINGTON DE 19899-094

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FEB 08 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Pawel Czubarow et al
Application No. 12/079,483
Filed: March 26, 2008
Attorney Docket No. DIEMAT 11
(22103)

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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed July 13, 2009, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of :
Lipton. : DECISION ON PETITION
Application No. 12/079,484 :
Filed: March 26, 2008 :
Docket No.: REAL0173 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 25, 2011 for failure to timely reply to the non-final Office action mailed November 24, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed December 8, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

There is no indication in the official application file wrapper that petitioner was ever empowered to represent the instant patent. If petitioner desires to receive future correspondence regarding this patent, including future maintenance fee notices, the appropriate documentation must be submitted to the Office. **Petitioner is advised that all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.**

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. 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 the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

This application will be forwarded to Group Art Unit 2482 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

CC: CHARLES YANG
Baker & McKenzie
2001 Ross Ave., Suite 2300
Dallas, TX 75201



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450

GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Alexandros PIRILLIS : ON PETITION
Application No. 12/079,511 :
Filed: March 27, 2008 :
Atty. Docket No.: 112526.011800 :

This is in response to 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 reply to the Notice of Allowance and Fee(s) Due, mailed February 7, 2011, which set a period for reply of three (3) months. The application became abandoned May 10, 2011. A Notice of Abandonment was mailed May 25, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fee in accordance with the Notice mailed February 7, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

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


for Anthony Knight
Director
Office of Petitions



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**TERI G. ANDREWS
ATTORNEY AT LAW
1717 NW GRANT AVE.
CORVALLIS OR 97330**

**MAILED
FEB 08 2011
OFFICE OF PETITIONS**

In re Application of :
Yong-Fu Li :
Application No. 12/079,577 : ON PETITION
Filed: March 26, 2008 :
Attorney Docket No. 12/079,577 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to file a timely and proper reply to the Notice of Non-Compliant Amendment (Notice) mailed April 12, 2010. A Notice of Abandonment was mailed on September 22, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

As stated in the Notice mailed April 12, 2010, the drawings submitted on March 17, 2010, are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

Petitioner submitted an annotated sheet for drawing Figure 8. However, the drawings submitted on March 17, 2010 (drawings figures 10 and 11), are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet."

Additionally, petitioner is encouraged to note 37 CFR 1.4(c) where papers should be filed separate with distinct subject matters.

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/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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

**TERI G. ANDREWS
ATTORNEY AT LAW
1717 NW GRANT AVE.
CORVALLIS OR 97330**

**MAILED
MAR 22 2011
OFFICE OF PETITIONS**

In re Application of :
Yong-Fu Li :
Application No. 12/079,577 : DECISION ON PETITION
Filed: March 26, 2008 :
Attorney Docket No. 08SUML102 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed April 12, 2010, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 1628 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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JEAN KYLE
P. O. BOX 2274
HAMILTON MT 59840-4274

MAILED

APR 07 2011

OFFICE OF PETITIONS

In re Application of	:	
CALDWELL, Clinton R.	:	
Application No. 12/079,687	:	DECISION ON PETITION
Filed: March 28, 2008	:	TO WITHDRAW
Attorney Docket No. CLD-100X	:	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 03, 2011.

The request is **APPROVED**.

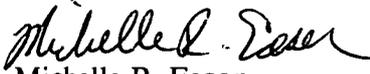
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they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

The request was signed by Jean Kyle on behalf of all attorneys of record who are associated with customer No. 46271. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named Clinton R. Caldwell at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CLINTON R. CALDWELL**
12606 PEACOCK HILL AVENUE NW
GIG HARBOR, WA 98332



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COOPER & DUNHAM, LLP
30 Rockefeller Plaza, 20th Floor
NEW YORK, NY 10112

MAILED

JUN 29 2011

In re Application of	:	
Christopher MURPHY	:	OFFICE OF PETITIONS
Application No. 12/079,728	:	DECISION ON PETITION
Filed: March 28, 2008	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 7385/77703	:	

This is a decision on the petition under 37 CFR 1.313(a), filed June 28, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an IDS filed on June 15, 2011.

37 CFR 1.313(a) states, in part:

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

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

If the IDS is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

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

This matter is being referred to Technology Center AU 2437 for appropriate action on the IDS filed June 15, 2011.

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



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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

MAILED

SEP 30 2010

In re Application of	:	OFFICE OF PETITIONS
Robinson, et al.	:	
Application No. 12/079,730	:	DECISION ON PETITIONS
Filing or 371(c) Date: 27 March, 2008	:	37 C.F.R. §1.78(a)(3) AND §(a)(6)
Attorney Docket No. 103147-0007	:	

This is a decision on the petition filed 20 January, 2010, pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim 35 U.S.C. §120 and §119(e) for the benefit of a prior filed nonprovisional application and provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

The petition does not comply with item (1)

The regulations at 37 C.F.R. §1.78(a)(2)(i) require 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

Application No. 12/079,730

applications. The amendment submitted with the petition (neither a clean copy of the amendment nor an Application Data Sheet (ADS) was included) sought to incorporate by reference material (*e.g.*, Application No. 11/982,707) not so incorporated on deposit of the application. Also, the claim to Application No. 09/686,206 was not made in Application No. 11/982,707. Furthermore, the benefit claims to 60/877,891 and 60/918,984 are not proper since the filing of the instant application was not made within 12 months of the filing of these provisional applications

Such an amendment is not proper.

(It also is noted that an effort to claim priority as between the '707 application and Application 09/745,257 (the '257 application), it appears that the applications were not copending—the latter application having issued as Patent No. 7,168,051 on 23 January, 2007.)

Before the petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) can be granted, a renewed petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) and a proper Application Data Sheet or a proper substitute amendment must be filed (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)).

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

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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

Questions concerning this decision may be directed to John Gillon, attorney, at (571) 272-3214; questions as to the application may be directed to the Technology Center/AU 2173.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions



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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of	:
Robinson, et al.	:
Application No. 12/079,730	: DECISION ON PETITIONS
Filing or 371(c) Date: 27 March, 2008	: 37 C.F.R. §1.78(a)(3) AND §(a)(6)
Attorney Docket No. 103147-0007	:

This is a decision on the petition filed 13 July, 2011, pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim pursuant to 35 U.S.C. §120 and §119(e) for the benefit of a prior filed nonprovisional application and provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

The instant application was filed on 27 March, 2008. Office records reflect that the new claim was presented in an amendment on 13 July, 2011.

(It is noted that it appears Petitioner did not submit an application data sheet (ADS), and will wish to do so without delay.)

Application No. 12/079,730

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

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

A corrected Filing Receipt, which includes the priority claim to the prior-filed application(s), accompanies this decision on petition.

This application is being forwarded to the examiner of Technology Center/AU 3763 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed applications.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/079,730, 03/27/2008, 2173, 770, 103147-0007, 25, 2

35940
ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND, OR 97209-2785

CONFIRMATION NO. 1949
CORRECTED FILING RECEIPT



Date Mailed: 08/08/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Jack D. Robinson, Vacaville, CA;
Peter Muller, Woodside, CA;
Timothy Noke, Santa Clara, CA;
Teng Lew Lim, Mountain View, CA;
Wallace Glausi, Menlo Park, CA;
Larry Fullerton, New Hope, AL;
Dusan Hamar, Bratislava, SLOVAKIA;

Assignment For Published Patent Application

ADDnCLICK, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 35940

Domestic Priority data as claimed by applicant

This application is a CIP of 09/686,206 10/10/2000 ABN
and is a CIP of 11/477,162 06/28/2006 ABN
and is a CIP of 11/982,707 11/02/2007
and is a CIP of 12/004,392 12/19/2007
and is a CIP of 12/004,622 12/20/2007
and claims benefit of 60/921,623 04/02/2007

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: 04/17/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/079,730**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Dynamic information management system and method for content delivery and sharing in content-, metadata- & viewer-based, live social networking among users concurrently engaged in the same and/or similar content

Preliminary Class

715

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/079,817	03/28/2008	Alain Lacaze	810678	2870
95683	7590	06/10/2011	EXAMINER	
Leydig, Voit & Mayer, Ltd. (Frankfurt office) Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, IL 60601-6731			PATEL, RAJNIKANT B	
			ART UNIT	PAPER NUMBER
			2838	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2011	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):

chgpatent1@leydig.com



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June 8, 2011

Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

In re Application of :
LACAZE, ALAIN : **DECISION ON PETITION**
Application No. **12/079817** :
Filed: **03/28/2008** :
Attorney Docket No: **810678** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 28, 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 patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



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August 10, 2011

Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

Re Application of
LACAZE, ALAIN
Application: **12/079817**
Filed: **03/28/2008**
Attorney Docket No: **810678**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 28, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries 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
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In re Application of
Akio Wakabayashi

:
:

Application No. 12079847

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

Filed: March 27, 2008

:

Attorney Docket No. 3050

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

MAILED
MAR 16 2011
OFFICE OF PETITIONS

In re Application of :
Jung et al. : **DECISION ON PETITION**
Application No. 12/079,921 : **TO WITHDRAW**
Filed: March 27, 2008 : **FROM RECORD**
Attorney Docket No. QQ1 - 0083US :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/079,925	03/28/2008	Joseph Alan Turner	393154	2341

7590 04/19/2011
FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

EXAMINER

MILLER, ROSE MARY

ART UNIT	PAPER NUMBER
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2856

NOTIFICATION DATE	DELIVERY MODE
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04/19/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 19, 2011

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

In re Application of	:	
Joseph Alan Turner	:	DECISION ON PETITION
Application No. 12079925	:	
Filed: 3/28/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 393154	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 18, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT PROSECUTION
O2MIRCO, INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of :
Jiankui Guo et al :
Application No. 12/080,034 : DECISION GRANTING PETITION
Filed: March 31, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0390 :

This is a 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 on November 4, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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PATENT PROSECUTION
O2MIRCO, INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of :
Jiankui Guo et al :
Application No. 12/080,034 : DECISION GRANTING PETITION
Filed: March 31, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0390 :

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 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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LEE WEINSTEIN
32A FAIRMONT STREET
ARLINGTON MA 02474

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Sidonie Decourt, et al. :
Application No. 12/080,055 : DECISION ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. PLEatRPA1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed February 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 April 25, 2008. The Notice of Abandonment was mailed January 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and an abstract, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate on the reply received.


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

AUG 02 2010

In re Application of :
Murphy : OFFICE OF PETITIONS
Application No. 12/080,056 :
Filed: March 31, 2008 : DECISION ON PETITION
Attorney Docket No. ELSE-1154/E20070360 : UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 27, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed application data sheet.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C.

§119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2612 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/080,056, 03/31/2008, 2612, 1236, ELSE-1154/E20070360, 21, 3

CONFIRMATION NO. 2952

CORRECTED FILING RECEIPT



23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 07/26/2010

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)

Michael A. Murphy, Raleigh, NC;

Power of Attorney: The patent practitioners associated with Customer Number 23377

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/009,096 12/26/2007

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/080,056

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for detecting tampering of a utility meter

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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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LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 506
16869 SW 65TH AVENUE
LAKE OSWEGO OR 97035

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of :
Kahana :
Application No. 12/080,064 :
Filed: March 29, 2008 :
Attorney Docket No. Kah:InsRenCar :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed September 16, 2009, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on October 17, 2009. A Notice of Abandonment was mailed March 29, 2010.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The election filed March 15, 2012, is noted.

The application is being forwarded to Technology Center GAU 3693 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Rhodes IP PLC
600 Professional Arts Bldg
30 Franklin Rd, SW
Roanoke VA 24011

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of :
Dunbar :
Application No. 12/080,079 :
Filed: April 1, 2008 :
Attorney Docket No. 77682-714 :
For: DIFFERENTIAL ENCODING WITH
ADAPTIVE RESETTING

ON PETITION

This is a decision on the petition, filed December 29, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the February 2, 2009 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on May 3, 2009. A Notice of Abandonment was mailed on August 31, 2009.

Applicant has submitted an amendment in reply to the February 2, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the February 2, 2009 non-final Office action, and the \$930.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3671 for consideration of the amendment filed on December 29, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/080,113, 03/31/2008, Zhongsen Li, BB1576USNA, 3614
Row 2: 23906, 7590, 02/27/2012, EXAMINER BUI, PHUONG T
Row 3: E I DU PONT DE NEMOURS AND COMPANY, LEGAL PATENT RECORDS CENTER, BARLEY MILL PLAZA 25/1125, 4417 LANCASTER PIKE, WILMINGTON, DE 19805, ART UNIT 1638, PAPER NUMBER
Row 4: NOTIFICATION DATE 02/27/2012, DELIVERY MODE 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):

PTO-Legal.PRC@usa.dupont.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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February 23, 2012

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

Re Application of

LI, ZHONGSEN

Application: **12/080113**

Filed: **03/31/2008**

Attorney Docket No: **BB1576USNA**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: 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 31, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,130	04/01/2008	Yoshimitsu Inoue	4041J-001437	3324
27572	7590	06/16/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			SIDDIQUEE, MUHAMMAD S	
			ART UNIT	PAPER NUMBER
			1726	
			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.



JUN 16 2011

CST

In re application of	:	DECISION ON REQUEST TO
Yoshimitsu Inoue et al	:	PARTICIPATE IN PATENT
Serial No. 12/080,130	:	PROSECUTION HIGHWAY
Filed: April 1, 2008	:	PROGRAM AND
For: BATTERY UNIT WITH	:	PETITION TO MAKE SPECIAL
COOLING DEVICE	:	UNDER 37 CFR 1.102(a)
	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed April 21, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(3) All of 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).

Claim 21 of the present application does not sufficiently correspond to claim 1 of the corresponding Japanese application. Specifically, independent claim 1 of Japanese application 2007-097794 is drawn to a battery "cooling" device whereas claim 1 of the present application is drawn to a "battery unit". Also, claim 1 of the Japanese application requires that a positive terminal and a negative terminal are provided on an "upper" portion of the plurality of battery modules, whereas claim 1 of the present application does not require that the positive and negative terminals are provided on an "upper" portion of the plurality of battery modules. Similarly, note independent claim 26 of the present application and independent claim 2 of the Japanese application.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Application No. 12/080,130

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/080,130	04/01/2008	Yoshimitsu Inoue	4041J-001437	3324

27572 7590 07/12/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

SIDDIQUEE, MUHAMMAD S

ART UNIT	PAPER NUMBER
----------	--------------

1726

MAIL DATE	DELIVERY MODE
-----------	---------------

07/12/2011

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.



CST

July 12, 2011

In re application of	:	DECISION ON REQUEST TO
Yoshimitsu Inoue et al	:	PARTICIPATE IN PATENT
Serial No. 12/080,130	:	PROSECUTION HIGHWAY
Filed: April 1, 2008	:	PROGRAM AND
For: BATTERY UNIT WITH	:	PETITION TO MAKE SPECIAL
COOLING DEVICE	:	UNDER 37 CFR 1.102(a)
	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed July 7, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

Application No. 12/080,130

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : May 3,2011

In re Application of :

Chad Rullman

Application No : 12080137

Filed : 31-Mar-2008

Attorney Docket No : ECHD-0004

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 May 3,2011

The request is **APPROVED**.

The request was signed by Barry E. Kaplan (registration no. 38934) on behalf of all attorneys/agents associated with Customer Number 30184 . All attorneys/agents associated with Customer Number 30184 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 Chad Rullman
Name2
Address 1 2124 Cheshire Bridge Road, N.E.
Address 2 Apt# 6203
City Atlanta
State GA
Postal Code 30324
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12080137	
Filing Date	31-Mar-2008	
First Named Inventor	Chad Rullman	
Art Unit	3726	
Examiner Name	RYAN WALTERS	
Attorney Docket Number	ECHD-0004	
Title	Custom jewelry apparatus and method of forming same	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30184
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Chad Rullman	
Address	2124 Cheshire Bridge Road, N.E. Apt# 6203	
City	Atlanta	
State	GA	
Postal Code	30324	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Barry E. Kaplan/
Name	Barry E. Kaplan
Registration Number	38934



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The Jackson Patent Group
1500 Forest Avenue, Suite 212
RICHMOND VA 23229

MAILED

DEC 16 2011

In re Application of	:	OFFICE OF PETITIONS
Harding et al.	:	
Application No. 12/080197	:	
Filing or 371(c) Date: 04/01/2008	:	ON PETITION
Patent No. 7854870	:	
Issue Date: 12/21/2010	:	
Title of Invention:	:	
METHOD AND APPARATUS FOR THE	:	
PRODUCTION OF HIGH TENACITY	:	
POLYOLEFIN SHEET	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See *DH Technology v. Synergystex International, Inc.* 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/07/11

TO SPE OF : ART UNIT 2883

SUBJECT : Request for Certificate of Correction for Appl. No.: 12080252 Patent No.: 7756383

CofC mailroom date: 01/18/11

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 CofC SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

**/Mark Robinson/
SPE**

2883
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas A. Beck Esq.
6136 West Kimberly Way
Glendale AZ 85308-7627

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of	:	
BUDD et al.	:	
Application No. 12/080,266	:	DECISION DISMISSING PETITION
Filed: April 1, 2008	:	
Title: SILICON BASED OPTICAL VIAS	:	

This is a decision on the "PETITION TO OBTAIN AN UPDATED FILING RECEIPT", filed February 9, 2012, to accept the claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/675,139 (now U.S. Patent No. 7,352,066). The petition is being treated under 37 CFR 1.181.

The petition is **DISMISSED**.

Applicants assert that they filed the present application with a claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/675,139 (now U.S. Patent No. 7,352,066) on filing, but that the reference to the prior-filed application was included in the declaration. Accordingly, applicants request that the Office recognize the benefit claim under 35 U.S.C. 120 to the prior-filed nonprovisional application and issue a corrected filing receipt.

The Office reminds applicants that the reference required by 37 CFR 1.78(a)(2) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. The Office did not recognize the benefit claim under 35 U.S.C. 120 because the reference to the prior-filed nonprovisional application was not in the first sentence(s) of the specification (including an amendment to the first sentence(s) of the specification) or an ADS and the time period set forth in 37 CFR 1.78(a)(2)(ii) for submitting the required reference expired. The Office will not grant a request for a corrected filing receipt to include a benefit claim unless the proper reference to the prior application is included in the first sentence(s) of the specification or an ADS within the time period required by 37 CFR 1.78(a). Therefore, applicants must submit a petition under 37 CFR 1.78(a)(3), accompanied by either a supplemental ADS or an amendment to the first sentence(s) of the specification adding the

benefit claim,¹ in order for the Office to accept the unintentionally delayed claim under 35 U.S.C. 120.

A grantable petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed benefit claim pursuant to 35 U.S.C. 120 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;
- (2) the surcharge under 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.

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

¹ 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, any supplemental ADS or amendment submitted on petition must be signed in accordance with 37 CFR 1.33(b).



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Thomas A. Beck Esq.
6136 West Kimberly Way
Glendale AZ 85308-7627

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of :
BUDD et al. :
Application No. 12/080,266 : **DECISION DISMISSING PETITION**
Filed: April 1, 2008 :
Title: SILICON BASED OPTICAL VIAS :

This is a decision on the “RENEWED PETITION TO OBTAIN AN UPDATED FILING RECEIPT” filed March 19, 2012, which is being treated as a petition under 37 CFR 1.78(a)(3) requesting acceptance of the unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/675,139 (now U.S. Patent No. 7,352,066).

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;
- (2) the surcharge under 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 fails to comply with item (1) above.

The petition must be **dismissed** because the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) has not be properly supplied. With the present petition, petitioners request that the Office accept “the enclosed first sheet of the above-identified application that contains the

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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Thomas A. Beck Esq.
6136 West Kimberly Way
Glendale AZ 85308-7627

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of :
BUDD et al. :
Application No. 12/080,266 : DECISION DISMISSING PETITION
Filed: April 1, 2008 :
Title: SILICON BASED OPTICAL VIAS :

This is a decision on the "RENEWED PETITION TO OBTAIN AN UPDATED FILING RECEIPT" filed April 2, 2012, which is being treated as a renewed petition under 37 CFR 1.78(a)(3) requesting acceptance of the unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/675,139 (now U.S. Patent No. 7,352,066).

The renewed 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;
- (2) the surcharge under 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 fails to comply with item (1) above. The petition must be **dismissed** because the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2) has not been properly supplied.

With the present renewed petition, petitioners request that the Office accept “the enclosed revised first sheet of the above-identified application that contains the reference to the divisional parent application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(1) and (iii)” *Petition, 04/02/12, p. 1*. However, petitioners **again** did not include the reference to the prior application in a supplemental application data sheet (§ 1.76), or submit an amendment in compliance with 37 CFR 1.121(b) to add the reference to the first sentence of the specification as specifically required by the decisions mailed on March 14, 2012, and March 27, 2012. The Office reminds petitioners that the reference to the prior-filed nonprovisional application must be included in a supplemental application data sheet (§ 1.76), or the specification must be amended to contain such reference in the first sentence(s) following the title in compliance with 37 CFR 1.121(b). See 37 CFR 1.78(a)(2)(iii)

In order for the Office to accept the unintentionally delayed claim under 35 U.S.C. 120, petitioners must submit a renewed petition under 37 CFR 1.78(a)(3), accompanied by either a supplemental ADS, which includes the reference to the prior filed nonprovisional application or an amendment to the first sentence(s) of the specification adding such reference.

The Office reminds petitioners 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, any supplemental ADS or amendment to the specification submitted on renewed petition must be signed in accordance with 37 CFR 1.33(b), and appear on a separate sheet. 37 CFR 1.4.** No additional fee is required for the filing of a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

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

PATENTESQUE LAW GROUP, LLP
P.O. BOX 400
LOS ALTOS CA 94022

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Application of :
Dario RUSSI et al. : ON PETITION
Application No. 12/080,289 :
Filed: April 2, 2008 :
Atty. Docket No.: LIV-028 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 10, 2011, which set a statutory period for reply of three (3) months. The application became abandoned September 13, 2011. A Notice of Abandonment was mailed September 26, 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 payment of the issue and publication fees in accordance with the Notice mailed June 10, 2011, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.

for 
Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/28/2011

Paper No.: _____

TO SPE OF : ART UNIT 3711

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/080398 Patent No.: 7874944 B2

CofC mailroom date: 2/15/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Certificates of Correction Branch
703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

xxxxxxx **Approved**

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

The requested changes were part of the 9/16/10 interview not the 7/24/10 amendment.

/MSC/ 03/21/2011

/GENE KIM/ SPE 3711

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,437	04/02/2008	Toshiki Matsumoto	4041J-001440	4683

27572 7590 04/06/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
04/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 6 2011

Commissioner for Patents
United States Patent and Trademark Office
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In re application of : **DECISION ON REQUEST TO**
Matsumoto et al. : **PARTICIPATE IN PATENT**
Application No. 12/080,437 : **PROSECUTION HIGHWAY**
Filed: April 02, 2008 : **PROGRAM AND PETITION**
For: VEHICLE CONTROL SYSTEM : **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 18, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO,
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A Notice of Allowance was mailed March 31, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/05/11



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**LAW OFFICE OF MARTIN E. JERISAT
SUITE 3300
10 S. LASALLE STREET
CHICAGO IL 60603**

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Wulf et al. :
Application No. 12/080,475 : **DECISION ON PETITION**
Filed: April 3, 2008 : **TO WITHDRAW FROM RECORD**
Title: System And Method For Wiping A :
Windshield :

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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Martin Jerisat on behalf of all attorneys of record.

All attorneys/agents associated with the above-identified application 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 November 10, 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: Jim Wulf
3510 Country Club Lane
Morris, IL 60450



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Alan F. Meckstroth
Jacox, Meckstroth & Jenkins
Suite 2
2310 Far Hills Building
Dayton, OH 45419-1575

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of
Vincent Combs, et. al.
Application No. 12/080,509
Filed: April 3, 2008
Attorney Docket No. 7947

DECISION ON PETITION

This is a decision on the "REQUEST TO WITHDRAW NOTICE OF ABANDONMENT", filed May 9, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the final Office action mailed September 1, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 24, 2011.

Petitioner asserts that the Office action dated September 1, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish non-receipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition fails to satisfy all of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of September 1, 2010, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$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."

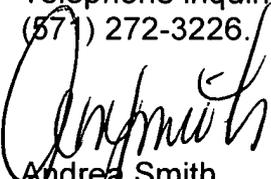
Further correspondence with respect to this matter should be addressed as follows:

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 the undersigned at
(571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



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**NORMAN FRIEDLAND
2855 PGA BOULEVARD
SUITE 200
PALM BEACH GARDENS FL 33410**

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of	:	
B. Michael Flaherty	:	
Application No. 12/080,585	:	DECISION ON PETITION
Filed: April 4, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N1346	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 7, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 3749 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions



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WILHELM LAW SERVICE, S.C.
100 W LAWRENCE ST
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APPLETON WI 54911

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SEP 10 2010

In re Application of

Klemm, et al.

OFFICE OF PETITIONS

Application No. 12/080,607

DECISION ON PETITION

Filed: April 3, 2008

Attorney Docket No. 30134

This is a decision on the petition under 37 CFR §1.137(b), May 24, 2010, to revive the above-identified application.

The petition is **granted**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action, mailed October 29, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on January 30, 2010. A Notice of Abandonment was mailed May 14, 2010.

The continuation-in-part application 12/800,619, filed May 18, 2010, is noted. Continuity between the subject application and the continuing application having been established, the subject application is again abandoned in favor of the continuing application.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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WILMINGTON, DE 19805

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JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Troy Gates, et al. :
Application No.: 12/080,619 : ON PETITION
Filed: April 4, 2008 :
Attorney Docket No.: FA1633USNA :

This is a decision in response to the petition, filed May 3, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 1, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice and required an oath or declaration in compliance with 37 CFR 1.63, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.21(d) and the surcharge required under 37 CFR 1.16(f) for the late filing of the oath or declaration. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 2, 2008. A Notice of Abandonment was mailed on January 7, 2009. On May 3, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant

to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) and (3).

In regards to item (1). While the petition includes a declaration under 37 CFR 1.63 and the requisite surcharge, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.21(d) have not been submitted.

In regards to item (3). There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for

a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Director may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over two years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on July 2, 2008. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from any and all responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification.

That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

(A) the date that the applicant first became aware of the abandonment of the application; and
(B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007) (protracted delay in seeking revival undercuts assertion of unintentional delay).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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WILMINGTON, DE 19805

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
Troy Gates, et al. :
Application No. 12/080,619 : **ON PETITION**
Filed: April 4, 2008 :
Attorney Docket No.: FA1633USNA :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed May 1, 2008. A Notice of Abandonment was mailed on January 7, 2009. On April 22, 2009, a petition under the provisions of 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 13, 2011. In response, on June 29, 2011, the present petition was filed.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

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, an executed declaration and the \$130 surcharge; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed May 3, 2011.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Cozen O'Connor
277 Park Avenue, 20th floor
NEW YORK NY 10172

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Campbell et al. :
Application No.: 12/080627 : ON PETITION
Filing or 371(c) Date: 04/04/2008 :
Attorney Docket Number: :
5106-21 :

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 June 8, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed April 21, 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 July 22, 2010. A Notice of Abandonment was mailed on November 2, 2010.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center Art Unit 3621 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

CC: ALFRED W. FROEBRICH
551 FIFTH AVENUE, SUITE 1210
NEW YORK, NY 10176



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Paper No.

KILPATRICK TOWNSEND &
STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,667,921 :
Satoh et al. : DECISION ON
Application No. 12/080,631 : PETITION
Filed: April 4, 2008 :
Atty Docket No.16869G-087320US:

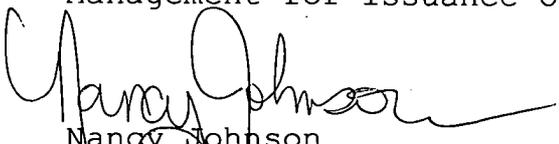
This is a decision on the PETITION REQUESTING DUPLICATE LETTERS PATENT, PURSUANT TO 37 C.F.R. §1.182 filed January 21, 2011, requesting a duplicate because the original Letters Patent has been lost. The petition has been made by an appropriate party in interest, i.e., an attorney of record and includes the petition fee of \$400.

Accordingly, the petition is **GRANTED**.

The Office of Data Management is directed to issue a Duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 x 119.

A copy of this decision is being forwarded to the Office of Data Management for issuance of a duplicate Letters Patent.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

cc: Niomi Farmer, (FAX) 571-270-9753



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MAILED
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In re
Application No. 12/080,674
Filed: April 4, 2008
Attorney Docket No. 12219/134

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 29, 2010.

The fee deficiency submission under 37 CFR 1.28 of \$904 is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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BELL & ASSOCIATES
58 West Portal Avenue No. 121
SAN FRANCISCO, CA 94127

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert Monson et al.	:	
Application No. 12/080,684	:	Decision According Status
Filed: April 4, 2008	:	Under 37 CFR 1.47(a) and
Attorney Docket No. UCSC2007-519 US	:	Granting Petition Under
For: Compositions, Devices, Systems,	:	37 CFR 1.137(b)
and Methods for Using a Nanopore	:	

This is a decision on the renewed petition under 37 CFR 1.47(a) and the renewed petition under 37 CFR 1.137(b) filed July 6, 2010.

The petition under 37 CFR 1.47(a) is **granted**.

The petition under 37 CFR 1.137(b) is **granted**.

The Petition Under 37 CFR 1.47(a)

The renewed petition, in conjunction with prior papers filed by Applicants, complies with the requirements set forth in 37 CFR 1.47(a). Therefore, the application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Petition Under 37 CFR 1.137(b)

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed April 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on July 1, 2008. A Notice of Abandonment was mailed on January 5, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (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) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition, in conjunction with prior papers filed by Applicants, satisfies the requirements set forth in 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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VALSPAR SOURCING, INC.
901 3RD AVENUE SOUTH
PO BOX 1461
MINNEAPOLIS MN 55440-1461

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Jill E. Tersteeg :
Application No. 12/080,696 : **DECISION ON PETITION**
Filed: April 4, 2008 :
Attorney Docket No. 06-1869-0101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2011 and supplemented on December 29, 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 30, 2011, as required by the Notice of Allowance and Fee(s) Due mailed August 31, 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 31, 2011, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MAILED
SEP 26 2011

OFFICE OF PETITIONS

Douglas E. McKinley, Jr.
PO Box 202
Richland WA 99352

In re Application of :
Alan R. CHAPPELL et al. : **ON PETITION**
Application No. 12/080,753 :
Filed: April 4, 2008 :
Atty. Docket No.: 14671-E :

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to respond in a timely manner to the non-final Office action mailed February 14, 2011, 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 May 15, 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 outstanding Office action mailed February 14, 2011, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 2122 for consideration of the filed Response.


for Anthony Knight
Director
Office of Petitions



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MCKENNA LONG & ALDRIDGE LLP
4435 EASTGATE MALL
SUITE 400
SAN DIEGO CA 92121

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Aladar A. SZALAY et al. :
Application No. 12/080,766 : **DECISION ON PETITION**
Filed: April 04, 2008 :
Attorney Docket No. 33316.04816.US22/4816B :

This is a decision on the petition under 37 CFR 1.182, filed July 22, 2009, 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 1648 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

See Attached: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/080,766, 04/04/2008, 1648, 1375, 33316.04816.US22/4816B, 31, 2

CONFIRMATION NO. 6462

CORRECTED FILING RECEIPT



13565
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

Date Mailed: 09/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

- Aladar A. Szalay, Highland, CA;
Alexa Frentzen, San Diego, CA;
Yong A. Yu, San Diego, CA;
Nanhai Chen, San Diego, CA;
Qian Zhang, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 13565

Domestic Priority data as claimed by applicant

This application is a CON of 11/975,090 10/16/2007
which claims benefit of 60/852,390 10/16/2006
and claims benefit of 60/933,050 06/04/2007
and claims benefit of 60/950,587 07/18/2007
and claims benefit of 60/994,794 09/21/2007

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: 11/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/080,766

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

MODIFIED VACCINIA VIRUS STRAINS FOR USE IN DIAGNOSTIC AND THERAPEUTIC METHODS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/080,794	04/03/2008	Mark Y. Wang	130-000310US	5457

22798 7590 04/22/2011
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

MAIL DATE	DELIVERY MODE
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04/22/2011

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.
12080794	4/3/2008	WANG ET AL.	130-000310US

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

EXAMINER

CRAIG M. SCHNEIDER

ART UNIT	PAPER
3753	20110421

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In view of the papers filed 6/26/08, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Zhilian Wan, Harshal Surangalekar, Guanghua Wu, and Erhan Ata as inventors.

/Craig M Schneider/
Primary Examiner, Art Unit 3753
April 21, 2011



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ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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DEC 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Keler et al.	:	ON APPLICATION FOR
Application No. 12/080817	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 04/04/2008	:	INCLUDING REQUEST FOR
Attorney Docket Number:	:	RECONSIDERATION
MXI-180CNRCE	:	

This is a decision on the “APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(b),” filed November 7, 2011. Applicant petitions for reconsideration of the patent term adjustment to four hundred ninety (490) days, not four hundred eighty-nine (489) 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 one (1) day.

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 one (1) day is **GRANTED**.

On August 15, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is four hundred eighty-nine (489) days.

On November 7, 2011, Applicant timely submitted the instant application for patent term adjustment¹. Applicant requests that the Determination of Patent Term Adjustment be corrected from four hundred eighty-nine (489) days, as indicated on the Determination of PTA mailed August 15, 2011, to an adjustment of four hundred ninety (490) days. Applicant avers that the Office incorrectly charged Applicant with one (1) day of delay.

Applicant asserts that the Office erred in calculating a reduction of one (1) day. The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed August 15, 2011 indicates a patent term of four hundred eighty-nine (489) days. The present request for reconsideration of patent term adjustment indicates that the Office may have erred in calculating a reduction of one (1) in connection with the filing of a reply on Monday, March 7, 2011, filed in

¹ PALM records show that the Issue Fee payment was received in the Office on November 7, 2011.

reply to a non-final Office action mailed December 6, 2010. Applicants' cite to the recent court decision in *ArQule, Inc. v, Kappos* (No. 1:10-cv-01904-ESH, 2011 WL 2469826 (D.D.C. June 23, 2011)).

Office records reveal that a reply to the non-final Office action mailed December 6, 2010, was filed on Monday, March 7, 2011. Accordingly, the period of reduction of one (1) 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 four hundred ninety (490) 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*: 12080817 [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12080817

Application Filing Date	04/04/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	490
A Delays	490	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	1
C Delays	0	Total PTA (days)	490

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
100	11/22/2011		P028	Adjustment of PTA Calculation by PTO	1		0
93	08/15/2011		MN/=.	Mail Notice of Allowance			0
88	08/12/2011		IREV	Issue Revision Completed			0
87	08/12/2011		N/=.	Notice of Allowance Data Verification Completed			0
82	08/01/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
81	08/01/2011		DVER	Document Verification			0
74	07/20/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0
92	07/18/2011		OAR	Office Action Review			0
91	07/18/2011		OAR	Office Action Review			0
90	07/18/2011		OAR	Office Action Review			0
89	07/18/2011		OAR	Office Action Review			0
86	07/18/2011		OAR	Office Action Review			0
85	07/18/2011		OAR	Office Action Review			0
84	07/18/2011		OAR	Office Action Review			0
83	07/18/2011		OAR	Office Action Review			0
80	07/18/2011		EX.R	Reasons for Allowance			0
79	07/18/2011		EX.A	Examiner's Amendment Communication			0
78	07/18/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
77	07/18/2011		CNTA	Allowability Notice			0
73	07/18/2011		DIST	Terminal Disclaimer Filed			0
72	07/07/2011		FWDX	Date Forwarded to Examiner			0
69	07/07/2011		ABN9	Disposal for a RCE / CPA / R129			0
71	06/29/2011		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
70	06/29/2011		RCEX	Request for Continued Examination (RCE)			0
68	06/29/2011		BRCE	Workflow - Request for RCE - Begin			0
67	06/08/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
66	06/02/2011		OAR	Office Action Review			0
65	06/02/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
64	04/21/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
63	04/19/2011		OAR	Office Action Review			0
62	04/19/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
61	03/29/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
60	03/27/2011		OAR	Office Action Review			0
59	03/25/2011		CTFR	Final Rejection			0
55	03/10/2011		FWDX	Date Forwarded to Examiner			0
56	03/07/2011		LET.	Miscellaneous Incoming Letter			0
54	03/07/2011	03/06/2011	A...	Response after Non-Final Action		1	52
53	12/23/2010		PG-ISSUE	PG-Pub Issue Notification			0
52	12/06/2010		MCTNF	Mail Non-Final Rejection			0
51	12/02/2010		CTNF	Non-Final Rejection			0
42	11/10/2010		FWDX	Date Forwarded to Examiner			0

41	11/08/2010		ELC.	Response to Election / Restriction Filed		0
40	10/07/2010	06/04/2009	MCTRS	Mail Restriction Requirement	490	0.5
39	10/06/2010		CTRS	Restriction/Election Requirement		0
37	09/24/2010		DOCK	Case Docketed to Examiner in GAU		0
27	09/16/2010		PG-PB-DT	PG-Pub Notice of new or Revised projected publication date		0
26	09/16/2010		OIPE	Application Dispatched from OIPE		0
25	09/11/2010		L130	Receipt of all Acknowledgement Letters		0
24	09/11/2010		L197	Receipt of Acknowledgment Letter		0
46	05/26/2010		IDSC	Information Disclosure Statement considered		0
36	05/26/2010		EIDS.	Electronic Information Disclosure Statement		0
23	05/26/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
47	03/17/2010		IDSC	Information Disclosure Statement considered		0
35	03/17/2010		EIDS.	Electronic Information Disclosure Statement		0
22	03/17/2010		WIDS	Information Disclosure Statement (IDS) Filed		0
48	11/16/2009		IDSC	Information Disclosure Statement considered		0
34	11/16/2009		EIDS.	Electronic Information Disclosure Statement		0
21	11/16/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
49	06/30/2009		IDSC	Information Disclosure Statement considered		0
33	06/30/2009		RCAP	Reference capture on IDS		0
32	06/30/2009		M844	Information Disclosure Statement (IDS) Filed		0
20	06/30/2009		WIDS	Information Disclosure Statement (IDS) Filed		0
50	12/30/2008		IDSC	Information Disclosure Statement considered		0
31	12/30/2008		RCAP	Reference capture on IDS		0
30	12/30/2008		EIDS.	Electronic Information Disclosure Statement		0
19	12/30/2008		WIDS	Information Disclosure Statement (IDS) Filed		0
18	12/11/2008		CRFF	Error(s) in CRF Corrected by STIC		0
29	11/19/2008		A.PE	Preliminary Amendment		0
17	09/26/2008		PGPW	Waiting LR clearance		0
16	09/26/2008		FLRCPT.U	Filing Receipt - Updated		0
28	09/04/2008		A.PE	Preliminary Amendment		0
15	09/04/2008		FLFEE	Payment of additional filing fee/Preexam		0
14	09/04/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems		0
9	08/18/2008		ML196	Agency Referral Letter Mailed		0
8	06/04/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned		0
7	06/04/2008		FLRCPT.O	Filing Receipt		0
5	05/22/2008		CRFE	CRF Is Good Technically / Entered into Database		0
4	04/24/2008		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated		0
3	04/21/2008		L198	Referred to Level 2 (LARS) by OIPE CSR		0
2	04/10/2008		SCAN	IFW Scan & PACR Auto Security Review		0
1	04/07/2008		IEXX	Initial Exam Team nn		0
11	04/04/2008		CLAIM	Claim Preliminary Amendment		0
6	04/04/2008		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0
0.5	04/04/2008		EFILE	Filing date		0

Export to: Excel

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120223

DATE :

TO SPE OF : ART UNIT 1644

SUBJECT : Request for Certificate of Correction on Patent No.: 8088377

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:

/RAM R SHUKLA/
Supervisory Patent Examiner.Art Unit 1644



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 8,2011

In re Application of :

Dan Grois

Application No : 12080939

Filed : 08-Apr-2008

Attorney Docket No : GROIS=3

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 September 8,2011

The request is **APPROVED**

The request was signed by Ronni S. Jillions (registration no. 31979) on behalf of all attorneys/agents associated with Customer Number 01444 . All attorneys/agents associated with Customer Number 01444 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 99267 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12080939	
Filing Date	08-Apr-2008	
First Named Inventor	Dan Grois	
Art Unit	3695	
Examiner Name	CHIA-YI LIU	
Attorney Docket Number	GROIS=3	
Title	Pay per relevance (PPR) method, server and system thereof	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		01444 _____
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to:		
The 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:		99267 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Ronni S. Jillions/	
Name	Ronni S. Jillions	
Registration Number	31979	



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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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**SOUTHWEST INTELLECTUAL
PROPERTY SERVICES, LLC
BUILDING 4
9400 HOLLY AVENUE NE
ALBUQUERQUE NM 87122**

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
GARTON :
Application No. 12/080,941 : **DECISION ON PETITION**
Filed: April 7, 2008 :
Attorney Docket No. GARTON001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 1, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$810; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Fu-Hwa Maiw :
Application No. 12/081,110 : **DECISION ON PETITION**
Filed: April 10, 2008 :
Attorney Docket No. 5545/0492PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 1, 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 above-identified application became abandoned on July 2, 2008. A Notice of Abandonment was mailed on January 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee, the \$165.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee; (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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TAN-CHI YUAN
535 N MICHIGAN AVE
APT 1803
CHICAGO IL 60611-3885

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Cheng :
Application No. 12/081,112 : DECISION
Filed/Deposited: 10 April, 2008 :
Attorney Docket No. 12081112_ym :

This is a decision on the petition filed on 25 February, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

The record (including the petition filed on 25 February, 2011) does not necessitate a finding that the delay between midnight 1 July, 2008 (the date of abandonment), and 25 February, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner Tan-Chi Yuan (Reg. No. 62,449) when accepting Petitioner's representation that the delay in filing the response was unintentional.¹

Moreover, 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.² In the event that such an inquiry has not been made, Petitioner must make such an inquiry.

¹ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18(b), formerly §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

² See 37 C.F.R. §11.18(b), formerly §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).

Application No. 12/081,112

*If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Missing Parts mailed on 1 May, 2008, with reply due absent extension of time on or before 1 July, 2008.

The application went abandoned by operation of law after midnight 1 July, 2008.

The Office mailed the Notice of Abandonment on 6 January, 2009.

On 25 February, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of, *inter alia*, fees and surcharge, and made the statement of unintentional delay.

As previously noted, the record (including the petition filed on 25 February, 2011) does not necessitate a finding that the delay between midnight 1 July, 2008 (the date of abandonment), and 25 February, 2011 (the date of the filing of grantable petition), was not unintentional.

Application No. 12/081,112

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner Tan-Chi Yuan (Reg. No. 62,449) when accepting Petitioner's representation that the delay in filing the response was unintentional.³

Moreover, 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.⁴ In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.*

*If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

The 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.⁵

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).⁶

³ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18(b), formerly §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

⁴ See 37 C.F.R. §11.18(b), formerly §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).

⁵ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁶ 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.

Application No. 12/081,112

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.⁷⁾⁾

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 Office of Patent Application Processing (OPAP) 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 OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

⁷ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/081,112

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. §1.2⁸) 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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4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

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SEP 24 2010

OFFICE OF PETITIONS

In re Application of :
Chia-Wen CHU :
Application No. 12/081,117 : **DECISION ON PETITION**
Filed: April 10, 2008 :
Attorney Docket No. 5050/0176PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 1, 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 July 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

This application is being referred to the Office of Data Management for further processing.

/dcg/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JOE MCKINNEY MUNCY
PO BOX 1364
FAIRFAX, VA 22038-1364



UNITED STATES PATENT AND TRADEMARK OFFICE

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Tan-Chi Yuan
535 N. Michigan Avenue Apt.
Apt. 2809
Chicago, IL 60611

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of
Chi Han Cheng
Application No. 12/081,119
Filed: April 10, 2008
Attorney Docket No. 12081119_ym

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

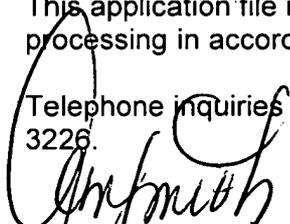
It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed on May 1, 2008. A Notice of Abandonment was mailed January 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$165 for the filing fee, \$270 search fee, \$110 examination fee and \$65 surcharge; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

In re Applications of :
Eun-Sil Han et al. :
Applications No. 12/081,214 : **ON PETITION**
Filed: April 11, 2008 :
Attorney Docket No. P57217A :

This is a decision on the Petition under 37 CFR 1.181 filed July 11, 2008, which is being treated as a petition for supervisory review of the requirement for corrected drawings.

The petition is **DISMISSED** as being moot.

Petitioner requests withdrawal of the requirement to submit replacement drawings as set forth in the Notice to File Corrected Application Papers mailed May 9, 2008.

Concurrent with the petition, applicant filed corrected drawing figures which the Office accepted. The cover letter submitted with the corrected drawings indicated the drawing figures were to be accepted only upon final denial of the instant petition. However, the drawings were accepted before consideration of the petition and prosecution continued with a subsequent restriction requirement and response and then a non-final Office action and response.

Therefore, given the facts above, the petition is dismissed as being moot.

The application is being forwarded to Technology Center Art Unit 1786 for consideration of the petition under 37 CFR 1.184(a) by the Art Unit Supervisory Primary Examiner.

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/081,224	04/11/2008	Robert Frank	029310.60169US	8332
23911	7590	01/25/2012	EXAMINER	
CROWELL & MORING LLP			CHANG, CELIA C	
INTELLECTUAL PROPERTY GROUP			ART UNIT	PAPER NUMBER
P.O. BOX 14300			1625	
WASHINGTON, DC 20044-4300			NOTIFICATION DATE	DELIVERY MODE
			01/25/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

edocket@crowell.com
tche@crowell.com
maellyn1@aol.com



United States Patent and Trademark Office

JAN 25 2012

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Mary R. Bram
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of :
Robert Frank :
Serial No.: 12/081,224 :Decision on Petition
Filed : 11 April 2008 :
Attorney Docket No.: 029310.60169US :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 20 December 2011 requesting reconsideration of the final Office action mailed 15 March 2011.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to reconsideration under restriction practice described in MPEP Chapter 800.

On 15 March 2011, the examiner identified this application as a 371 of PCT/EP2008/002883, then set forth a restriction requirement under 35 U.S.C. 121 and 372, saying that the inventions lacked a single general inventive concept under PCT Rule 13.1. The examiner divided claims 1-25 into four groups, further divided Group I into 8 sub-groups and Group II into 4 sub-groups, placed any remaining compounds in Group III and then required election of species. The treatment method was placed in Group IV, while the process of preparing the compounds was placed in Groups I-III.

On 15 April 2011, applicants elected Group III, "because the desired compounds do to appear to fall within any of the other groups," with partial traverse.

On 20 June 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 10, 11 and 20-25 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-9 and 12-19 were examined on the merits. Claims 13-16 were rejected under

35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-6, 13-16 and 19 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement. Claims 1-9 and 12-19 were provisionally rejected under the grounds of non-statutory double patenting over copending applications 11/551,060 or 12/081,174. Claims 1-9 and 12-19 were provisionally rejected under the grounds of non-statutory double patenting over copending application 12/103,198 in view of Lima et al.

On 20 December 2011, applicants filed this petition along with a terminal disclaimer over copending application 12/081,174 and a response to the Office action, including an amendment to the claims.

DISCUSSION

The file history and petition have been considered carefully.

The petition argues that restriction requirement improperly referred to PCT Rule 13.1 and 35 U.S.C. 372. This is persuasive. This application is filed under 35 U.S.C. 111(a) and as such is considered for restriction under US requirements of 35 U.S.C. 121 and Chapter 800. Moreover, it is noted that some of the Groupings recited V=N, however there was no V in Formula 1 and the definitions of the A groups in the restriction requirement were unclear. Finally, in an attempt to support of the restriction requirement, the examiner has referred to compounds from the '283 abstract and the '994 abstract which differ from the compounds currently being claimed. The differences between the claimed and cited prior art compounds are summarized in pages 3-7 of the petition. Taken together, the Office has not provided a clear and detailed record of the restriction requirement. See MPEP 814, which requires that the

“examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. 121. *Geneva Pharms. Inc. v. GlaxoSmithKline PLC*, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003).” (Emphasis in original).

The petition also argues that the Office has improperly restricted within a single claim in a manner counter to *In re Weber*, 580 F.2d 455, 198 USPQ 328, 331 (CCPA 1978). The petition points to the “residual group of compounds, Group III, not embraced by Groups Ii-IIiv underscores the applicability of the principle enunciated by the Weber court to the present application.” A review confirms that the examiner created groupings out of alternatives recited in Markush claim 1 and created a “catch-all” Group III.

Group III, claims 1-6, 17-19 not encompassed by groups Ii-IIiv, drawn to the remaining compounds, classified in class various, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the species election will be made.

This type of intraclaim restriction, prepared on 15 March 2011, is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled “Supplemental Examination Guidelines for

Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications.” Page 7166 sets forth guidelines for the treatment of Markush-type claims:

“Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim).”

In view of the petition, these guidelines and the guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Ii-viii, Iii-iv and III) has been replaced with a provisional election of species requirement.

DECISION

The petition filed under 37 CFR 1.144 on 20 December 2011 is **GRANTED** as follows.

The intra-claim restriction requirement made between the product (and its method of making) set forth in Groups Ii-viii, Iii-iv and III on 15 March 2011 has been withdrawn.

The requirement for a provisional election of species is maintained.

The restriction between the compounds of rejoined Groups (Ii-viii, Iii-iv and III) and the process of treatment Claims 20-25 is maintained, in view of the outstanding rejections on the product claims.

The application will be forwarded to the examiner’s amended docket to consider the papers filed 20 December 2011 and prepare an action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011. Upon allowability of the product claims, the process of treatment claims should be considered for rejoinder according to MPEP 821.04(b).

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 Lucel
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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of :
Gainer, John L. :
Application No. 12/081,236 : **ON PETITION**
Filed: April 11, 2008 :
Attorney Docket No. DMB-4112-73 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 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 from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 1621 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. 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: 2832-0565PUS1

Application Number (if known): 12/081,238

Filing date: April 11, 2008

First Named Inventor: Young-Ho CHOE

Title: INK FOR FORMING THIN FILM OF SOLAR CELLS AND METHOD FOR PREPARING THE SAME, CIGS THIN FILM SOLAR CELL USII

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.

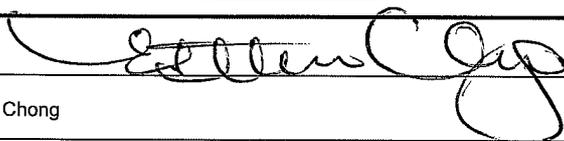
3. This request is accompanied by statements of special status for the eligibility requirement.

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

Signature



Date **SEP 28 2010**

Name (Print/Typed) Esther H. Chong

Registration Number 40,953

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.

Docket No.: 2832-0565PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Young-Ho CHOE et al.

Application No.: 12/081,238

Confirmation No.: 8169

Filed: April 11, 2008

Art Unit: 2812

For: INK FOR FORMING THIN FILM OF SOLAR
CELLS AND METHOD FOR PREPARING
THE SAME, CIGS THIN FILM SOLAR
CELL USING THE SAME AND
MANUFACTURING METHOD THEREOF

Examiner: Not Yet Assigned

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

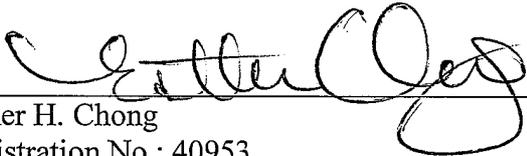
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: **SEP 28 2010**

Respectfully submitted,

By



Esther H. Chong

Registration No.: 40953

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Attachment



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.
12/081,238	04/11/2008	Young-Ho Choe	2832-0565PUS1	8169

2292 7590 10/15/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
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1725

NOTIFICATION DATE	DELIVERY MODE
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10/15/2010

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



BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
CHOE et al	:	DECISION ON PETITION
Application No. 12/081,238	:	TO MAKE SPECIAL UNDER
Filed: April 11, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0565PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 29, 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) and amended by 75 Federal Register Notice 28554 (May 21, 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 and be filed prior to the date of the notice, December 8, 2009.

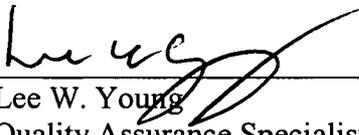
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special 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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**Gary Weatherspoon
12138 Central Avenue
Suite 520
Mitchellville MD 20721**

**MAILED
JAN 18 2011
OFFICE OF PETITIONS**

In re Application of :
Gary Weatherspoon :
Application No. 12/081,266 : **ON PETITION**
Filed: April 14, 2008 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(a), filed December 23, 2010, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

A review of the record shows that a Notice of Non-Compliant Amendment was mailed on December 8, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A response was received on December 23, 2010, which was timely filed.

No refund of the petition fee is required since a petition fee was not paid.

Telephone inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3752 for appropriate action by the Examiner in the normal course of business on the reply received December 23, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO CA 93711

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Gary Weatherspoon :
Application No. 12/081,266 : **DECISION ON PETITION**
Filed: April 14, 2008 :
Attorney Docket No. GW-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 14, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 15, 2011. A Notice of Abandonment was mailed on August 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

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 3752 for appropriate action by the Examiner in the normal course of business on the reply received October 15, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SALLY CHANG
P.O. BOX 158-90
TAIPEI 114 TW TAIWAN

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application of
Tsung-Te Ho
Application No. 12/081,271
Filed: April 14, 2008
Attorney Docket No. G16-P02-4

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The 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 June 21, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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THOMAS R. MARSH, ESQ.
MARSH FISCHMANN & BREYFOGLE LLP
SUITE 450
8055 E. TUFFS AVENUE
DENVER CO 80237

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Application of :
Parel et al :
Application No. 12/081,278 :
Filed: April 14, 2008 :
Attorney Docket No. 50240-00013 :
: **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 September 27, 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.

This pending nonprovisional application was filed on April 14, 2008. Intermediate Application No. 09/556,958, was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/130,497, which was filed on April 22, 1999, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Application No. 12/081,278

-3-

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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THOMAS R. MARSH, ESQ.
MARSH FISCHMANN & BREYFOGLE LLP
SUITE 450
8055 E. TUFTS AVENUE
DENVER CO 80237

MAILED

JAN 06 2012

OFFICE OF PETITIONS

In re Application of	:	
PAREL, et al.	:	
Application No. 12/081,278	:	DECISION ON PETITION
Filed: April 14, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 50240-00013	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Data Management for further processing.

/KOC/
Karen Creasy
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/081,278, 04/14/2008, 3777, 1330, 50240-00013, 15, 1

Thomas R. Marsh, Esq.
MARSH FISCHMANN & BREYFOGLE LLP
Suite 450
8055 E. Tufts Avenue
Denver, CO 80237

CONFIRMATION NO. 9124
CORRECTED FILING RECEIPT



Date Mailed: 01/05/2012

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)

Jean-Marie Parel, Miami Shores, FL;
Fabrice Manns, Coral Gables, FL;
David S. Robinson, Kansas City, MO;
Peter Milne, Miami, FL;
David B. Denham, Miami, FL;
Xochitl Gonzalez-Cirre, Madrid, SPAIN;

Assignment For Published Patent Application

University of Miami Office of Technology Transfer, Miami, FL

Power of Attorney:

Thomas Marsh--31039 Karl Dierenbach--55875
James Johnson--34193 Jonathon Szumny--57695
David Dockery--34323 Libby Huskey--59087
Ross Breyfogle--36759 Pooja Van Dyck--64806
Russell Manning--51260 Javier Sobrado--65511

Domestic Priority data as claimed by applicant

This application is a CON of 10/727,137 12/03/2003 ABN
which is a CON of 09/556,958 04/21/2000 PAT 6684097
which claims benefit of 60/130,497 04/22/1999

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 01/05/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/081,278**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

INTRAOPERATIVE MONITORING OF TEMPERATURE-INDUCED TISSUE CHANGES WITH A HIGH-RESOLUTION DIGITAL X-RAY SYSTEM DURING THERMOTHERAPY

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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December 22, 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Aaron Bensimon et al. : **DECISION ON PETITION**
Application No. 12081280 :
Filed: 04/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 325264US2X : **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 14, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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June 8, 2011

SMITH PATENT OFFICE
1901 PENNSYLVANIA AVENUE N W
SUITE 901
WASHINGTON DC 20006

Re Application of

HARA, TAKENORI

Application: **12/081312**

Filed: **04/14/2008**

Attorney Docket No: **0091/012002**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 14, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MUNEY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re application of :
Frederick W. Zeyfang :
Application No. 12/081,341 : **NOTICE**
Filed: April 15, 2008 :
Attorney Docket No. 3948-0119PUS1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on August 25, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12081344
Filing Date	15-Apr-2008
First Named Inventor	Manabu Kai
Art Unit	2821
Examiner Name	TRINH DINH
Attorney Docket Number	07-50231
Title	CROSSED DUAL TAG APPARATUS AND SYSTEM USING CROSSED DUAL TAG 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	/Tiep H. Nguyen/
Name	Tiep H. Nguyen
Registration Number	44465



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 26,2011

In re Application of :

Manabu Kai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12081344

Filed : 15-Apr-2008

Attorney Docket No : 07-50231

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 26,2011 , 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



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**BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747**

MAILED

SEP 14 2010

OFFICE OF PETITIONS

NOTICE

In re Application of :
Seiji Hayashi et al. :
Application No. 12/081,368 :
Patent No. 7,655,163 :
Filed: April 15, 2008 :
Attorney Docket No. **4379-0205PUS1** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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COMMISSIONER FOR PATENTS
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Paper No.

Tan-Chi Yuan
535 N. Michigan Avenue Apt.
Apt. 2809
Chicago IL 60611

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Application of :
Pei Yuan Lee : DECISION ON PETITION
Application No. 12/081,386 :
Filed: April 15, 2008 :
Atty Docket No. 12081386_rt :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 21, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed May 2, 2008. This Notice set a two-month time limit for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective July 3, 2008. A courtesy Notice of Abandonment was mailed to former patent counsel¹ on January 7, 2009.

The petition includes the required reply, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required. Further, petitioner submitted an additional statement of facts setting forth the circumstances of the extended abandonment of this application. Those facts support a conclusion that the entire delay in filing the response and in filing a grantable petition was unintentional.

¹ That patent counsel has since been disbarred.

The application is being forwarded to the Office of Patent Application Processing for processing of the response filed on March 21, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end of the last name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

AUG 3 1 2010

In re Application of : **OFFICE OF PETITIONS**
Wu Chih-Hung et al. :
Application No. 12/081,388 : **DECISION ON PETITION**
Filing Date: April 15, 2008 :
Attorney Docket No. **7000.308** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed May 2, 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 July 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of filing fee, search fee, examination fee, and surcharge, (2) the petition fee of \$810 (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 Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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OCT 19 2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re application of : **DECISION ON REQUEST TO**
Tabata et al. : **PARTICIPATE IN PATENT**
Application No. 12/081,476 : **PROSECUTION HIGHWAY**
Filed: April 16, 2008 : **PROGRAM AND PETITION**
For: CONTROL APPARATUS FOR : **TO MAKE SPECIAL UNDER**
HYBRID VEHICLE DRIVE SYSTEM : **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 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed September 20, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 10/18/10



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/081,496 04/16/2008 Neal Arthur Siegel 09827.0003-01000 1673

7590 04/14/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Table with 1 column: EXAMINER

NAVARRO, ALBERT MARK

Table with 2 columns: ART UNIT, PAPER NUMBER

1645

Table with 2 columns: MAIL DATE, DELIVERY MODE

04/14/2011

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



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April 13, 2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of :
Neal Arthur Siegel, et al : **DECISION ON PETITION**
Application No. 12081496 :
Filed: 04/16/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 09827.0003-01000 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a)(2), received in the United States Patent and Trademark Office (USPTO) April 16, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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Fujitsu Patent Center
Fujitsu Management Services of America, Inc.
2318 Mill Road, Suite 1010
Alexandria, VA 22314

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Atsushi YAMAGUCHI, et al. :
Application No. 12/081,498 : **DECISION GRANTING PETITION**
Filed: April 16, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **07-50842** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 4, 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 2832 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.*

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12081498
Filing Date	16-Apr-2008
First Named Inventor	Atsushi Yamaguchi
Art Unit	2832
Examiner Name	CHRISTINA RUSSELL
Attorney Docket Number	07-50842
Title	STORAGE BOX FOR ELECTRONIC APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.06.10
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott E. Jones/
Name	Scott E. Jones
Registration Number	64392



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : June 10,2011

In re Application of :

Atsushi Yamaguchi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12081498

Filed : 16-Apr-2008

Attorney Docket No : 07-50842

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 2832 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12081498
Filing Date	16-Apr-2008
First Named Inventor	Atsushi Yamaguchi
Art Unit	2832
Examiner Name	CHRISTINA RUSSELL
Attorney Docket Number	07-50842
Title	STORAGE BOX FOR ELECTRONIC APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.08.29
 - 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	/Arthur A. Smith/
Name	Arthur A. Smith
Registration Number	56877



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : August 29,2011

In re Application of :

Atsushi Yamaguchi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12081498

Filed : 16-Apr-2008

Attorney Docket No : 07-50842

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 29,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2832 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/081,571	04/17/2008	Michael Katz	KATZ-11A	2612
1444	7590	06/21/2011	EXAMINER	
Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006			CHOWDHURY, IQBAL HOSSAIN	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			06/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN 21 2011

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of: :
Katz et al. : PETITION DECISION
Serial No.: 12/081,571 :
Filed: April 17, 2008 :
Attorney Docket No.: KATZ=11A :

This is in response to the petition under 37 CFR § 1.181, filed June 16, 2011, requesting that the final Office action of March 8, 2011 be withdrawn.

Applicant's arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicants should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely, that action being the final rejection of March 8, 2011 not any telephonic interview. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1. 181 is **DISMISSED** as untimely.

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.

Jacqueline Stone
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Katz et al. : DECISION ON PETITION
Application No. 12/081,571 : under 37 CFR 1.183
Filed: April 17, 2008 :
Attorney Docket No. KATZ=11A :

This is a decision on the PETITION TO SUSPEND RULES UNDER 37 CFR 1.183 filed July 20, 2011. Receipt of the \$400 petition fee is acknowledged.

The petition under 37 CFR 1.183 is dismissed.

Any request for reconsideration, whether directed to the decision on petition under 37 CFR 1.183 must be filed within two months of the mailing date of this decision. Extensions of time under 37 CFR 1.136 are not permitted. See § 1.181(f).

BACKGROUND

On March 8, 2011, the Office mailed a final Office action in the above-identified application. No petition for withdrawal of the finality of this Office action was timely filed within two months. Rather, on June 16, 2011, applicants had an interview with the examiner. Then, applicants filed a PETITION FOR SUPERVISORY REVIEW UNDER 37 CFR 1.181, requesting review of the examiner's June 16, 2011 decision (in interview) to maintain the finality of the Office action mailed March 8, 2011. By decision mailed June 21, 2011, the petition was dismissed as untimely filed.

In response, applicants filed the instant petition, requesting waiver of the 2 month time period to file a petition under 1.181. Applicants argue that they believed the petition was timely filed as it was filed within 2 months of the telephone interview. Applicants state that counsel could not wait to receive the PTO's written interview summary because he would be out of the Office between June 17 and July 5.

OPINION

37 CFR 1.181(f) provides that:

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.

37 CFR 1.183 provides that:

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).

As indicated in the Technology Center Director's decision of June 21, 2011, the action complained of and from which the period for filing a petition under 37 CFR 1.181(f) is two months is the final Office action of March 8, 2011. The telephonic interview of June 16, 2011 does not extend the period for taking action to petition to withdraw the finality of the Office action.

Furthermore, petitioner has not shown that justice requires waiver of the 2 month period. No argument is set forth on petition to explain the delay in filing the petition from May 8, 2011 to June 16, 2011. The argument presented addresses why the petition was filed on June 16, 2011 prior to receiving a written interview summary. Such period is not relevant. The burden is on petitioner to show that the petition filed more than 2 months

after the mailing of the Office action on March 8, 2011 should not be dismissed as untimely filed.

In view thereof, it is concluded that waiver of the two-month requirement is not warranted.

CONCLUSION

The decision of the Technology Center Director to dismiss the petition as untimely filed stands.

A notice of appeal was filed in this application on August 8, 2011. The Office awaits applicants' filing of an appeal brief or other appropriate action.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAY 11 2011

OFFICE OF PETITIONS

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of :
Chien-Yuan CHEN et al. : **DECISION GRANTING PETITION**
Application No. 12/081,581 : **UNDER 37 CFR 1.137(b)**
Filed: April 17, 2008 :
Atty. Docket No.: 5545/0524PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2011, to revive the above-identified application.

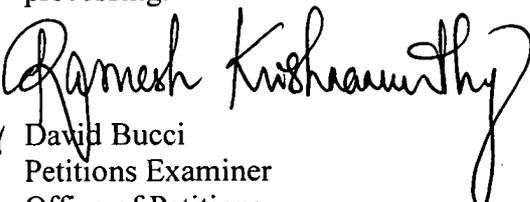
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed May 7, 2008 (Notice), which set a shortened period of reply of two (2) months. As no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the application became abandoned July 8, 2008. A Notice of Abandonment was mailed January 9, 2009.

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 Notice, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application will be referred to Office of Patent Application Processing for further processing.

for 
David Bucci
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax VA 22033

MAILED
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OFFICE OF PETITIONS

In re Application of :
YEH, SHENG-HSING : **DECISION ON PETITION**
Application No. 12/081,582 :
Filed: 04/17/2008 :
Attorney Docket No. 5545/0405PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed May 7, 2008, which set a two-month extendable period to reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 8, 2008. A Notice of Abandonment was mailed on January 9, 2009.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. F. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :
Lu, et al. : **DECISION ON PETITION**
Application No. 12/081,588 :
Filed: April 17, 2008 :
Atty. Dkt. No.: 5545/0439PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 24, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned July 21, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed May 20, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed January 30, 2009.

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 fails to satisfy requirement (3).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (3).

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the delay in filing a grantable petition was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (more than two years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the Office action, and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned and what efforts were made to timely pursue the petition for revive.

Petitioner may wish to submit supporting documentation to establish that the delay in seeking to resume prosecution has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See, Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

In view thereof, 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 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Lu, et al. : DECISION ON PETITION
Application No. 12/081,588 :
Filed: April 17, 2008 :
Atty. Dkt. No.: 5545/0439PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed August 4, 2011.

This application became abandoned July 21, 2008 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed May 20, 2008. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed January 30, 2009.

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 application has been carefully reviewed and found in compliance with the provisions of law set forth above.

In view thereof, the petition to revival pursuant to 37 CFR 1.137(b) is hereby **GRANTED**.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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OFFICE OF PETITIONS

In re Application of :
Fusashi KIMURA, et al. :
Application No. 12/081,604 : **DECISION GRANTING PETITION**
Filed: April 17, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 128141.01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 16, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 18, 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 2871 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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**PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102**

**MAILED
MAR 09 2012
OFFICE OF PETITIONS**

In re Application of :
FOX, et al :
Application No. 12/081,627 : **DECISION ON PETITION**
Filed: April 18, 2011 : **TO WITHDRAW**
Attorney Docket No. 026925.0101PTUS : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2012.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the change of correspondence address cannot be accepted. The Office will either change the correspondence address of record to the most current address information provided for an assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

“An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.”

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address as indicated on the Request to Withdraw filed February 10, 2012.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THE WENDELL GROUP
407 M STREET, NW
WASHINGTON DC 20001



**VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998**

**MAILED
MAR 07 2012
OFFICE OF PETITIONS**

In re Application of	:	
Varadarajan SPIDHAR et al.	:	
Application No. 12/081,659	:	DECISION ON PETITION
Filed: April 18, 2008	:	TO WITHDRAW
Attorney Docket No. 31446-258491	:	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 06, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: **(1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened. 37 CFR 3.71(c) states: An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.**

The request to withdraw is incomplete; page 2 of the request was not 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 the undersigned at (571) 272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 10, 2012

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of
LAUFER, SHAUL
Application: **12/081850**
Filed: **04/22/2008**
Attorney Docket No: **39303**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 11, 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

March 7, 2012

Patent No. :8,064,735 B2
Ser. No. : 12/081876
Inventor(s) :Shigeki Nagaya, et al. .
Issued :November 22, 2011
Title :RECORDING AND REPRODUCING SYSTEM
FOR IMAGE DATA WITH RECORDING POSITION
INFORMATION AND A RECORDING AND REPRODUCING
METHOD THEREFOR

Docket No. :NIT-410-02

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 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

Best Available Copy

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.

Magdalene Talley

For Mary Diggs
Decisions & Certificates
of Correction Branch
(571)272-0423
Fax-(571)270-9942

Brundidge & Stanger
2318 Mill Road, Ste. 1020
Alexandria, VA 22314

MD/mt

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/141 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	
Application Number	12081876	
Filing Date	23-Apr-2008	
First Named Inventor	Shigeki Nagaya	
Attorney Docket Number	NIT-410-02	
Title of Invention	RECORDING AND REPRODUCING SYSTEM FOR IMAGE DATA WITH RECORDING POSITION INFORMATION AND A RECORDING AND REPRODUCING METHOD THEREFOR	
Pursuant to 37 CFR 3.81(b), applicant hereby request that the listed assignee with respect to U.S. Patent Number 8064735 be corrected to accurately reflect the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.		
<input checked="" type="checkbox"/> I certify, in accordance with 37 CFR 1.4(d)(4), that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent.		
Correction of Assignee Current Assignment Listed (240 char limit) The assignment information is currently listed as:		
Hitachi Kokusai Electric Co., Ltd. (Tokyo, JP)		
Update Assignment Listing to (240 char limit) Change assignment information to the following:		
Hitachi, Ltd. (Tokyo, JP); Hitachi Kokusai Electric Co., Ltd. (Tokyo, JP)		
<input checked="" type="checkbox"/> As required by 37 CFR 3.81, a Request for a Certificate of Correction is being filed herewith, along with the fee set forth in 37 CFR 1.20(a).		

- Applicant(s) status remains as OTHER THAN small entity.
- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant(s) status remains as SMALL ENTITY.
- Applicant is no longer claiming small entity status. See 37 CFR 1.27(g)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 request
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Daniel J. Stanger/
Name	Daniel J. Stanger
Registration Number, if applicable	32846



UNITED STATES 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 15, 2012

In re Patent No. 8064735

Issue Date: 22-Nov-2011

Application No 12081876

DECISION ON REQUEST
UNDER 37 CFR 3.81(b)

Filed date 23-Apr-2008

Attorney Docket No NIT-410-02

This is an electronic decision on the request filed March 15, 2012 under 37 CFR 3.81(b) to correct the name of the assignee of the above-identified patent by way of a Certificate of Correction.

Petitioner request that the listed assignment information be replace with updated assignment information.
Assignment Information Currently Listed As:

Hitachi Kokusai Electric Co., Ltd. (Tokyo, JP)

Change Assignment Information to the Following:

Hitachi, Ltd. (Tokyo, JP); Hitachi Kokusai Electric Co., Ltd. (Tokyo, JP)

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the the Patent Electronic Business Center (EBC) at 866-217-9197.

Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificate of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/081,886, 04/23/2008, Thomas Dean Milster, 324699US20, 4628

7590 07/12/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MULVANEY, ELIZABETH EVANS

ART UNIT PAPER NUMBER

1785

NOTIFICATION DATE DELIVERY MODE

07/12/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 8, 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Milster, Thomas Dean et, al : **DECISION ON PETITION**
Application No. 12/081,886 :
Filed: 04/23/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 324699US20 : **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 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 contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**JACKSON INTELLECTUAL PROPERTY
GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971**

MAILED
OCT 04 2010
OFFICE OF PETITIONS

In re Application of :
To-Mai WANG, et al :
Application No. 12/081,945 : **DECISION ON PETITION**
Filed: April 23, 2008 :
Attorney Docket No. 7000.311 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 14, 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 July 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

/dcg/

Diane C. Goodwyn
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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Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

AUG 31 2010

In re Application of
Wu Chih-Hung et al.
Application No. 12/081,946
Filing Date: April 23, 2008
Attorney Docket No. 7000.310

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed May 13, 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 July 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of filing fee, search fee, examination fee, and surcharge, (2) the petition fee of \$810 (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 Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of :
Chia-Chieh Chen, et al. :
Application No. 12/081,947 : **DECISION ON PETITION**
Filed: April 23, 2008 :
Attorney Docket No. 7000.161 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 21, 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 July 22, 2008. The Notice of Abandonment was mailed January 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, \$165 filing fee, \$65 surcharge, \$270 search fee and \$110 examination fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971**

**MAILED
OCT 07 2010
OFFICE OF PETITIONS**

In re Application of :
Chih-Hung et al. :
Application No. 12/081,948 : **DECISION ON PETITION**
Filed: April 23, 2008 :
Attorney Docket No. 7000.312 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

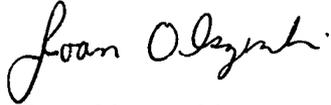
The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 13, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 14, 2008. A Notice of Abandonment was mailed on January 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee, the \$165.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee; (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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script that reads "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

February 22, 2012

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
PARK, JU-YONG et al	:	DECISION ON PETITION
Application No. 12/081,986	:	
Filed: 04/24/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 2093.1026	:	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 24, 2008..

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

In the claims:

Please amend the claims as follows:

OK
to
for
124

1. (Currently Amended) An instruction system comprising:
an indicator assembly having a plurality of indicators disposed thereon;
a first image of an athlete associated with a predetermined first of the plurality of indicators;
a last image of an athlete associated with a predetermined last of the plurality of indicators; and
at least one intermediate image of the athlete associated with a predetermined intermediate of the plurality of indicators; and
a timer electrically coupled to each of the plurality of indicators, wherein the timer is adjustable to adjust a time of operation of each of the plurality of indicators.
2. (Previously Presented) The instruction system according to claim 1, wherein the plurality of indicators comprises a plurality of lights.
3. (Previously Presented) The instruction system according to claim 2, wherein each of the plurality of lights is a different color from an adjacent of the plurality of lights.
4. (Canceled).
5. (Previously Presented) The instruction system according to claim 1, further comprising a pitching machine operatively coupled to the plurality of indicators.
6. (Previously Presented) The instruction system according to claim 1, wherein the first image corresponds to the motion of a pitcher starting a pitching motion.
7. (Previously Presented) The instruction system according to claim 6, wherein the last image corresponds to the motion of the pitcher releasing the pitched ball.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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1-6-2011

Patent No. : 7,841,126 B2
Serial No. : 12/082,061
Inventor(s) : Mikel Huppert
Issued :

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 column 6 and 7, lines 36 and 14 is printed in accordance with the record.

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period with the sum of \$100.00

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(571-272-3422 or 703-756-1580)

Douglas L. Tschida
93 Little Canada Road West, Suite 202
St. Paul, MN 55117

ej



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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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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

FEB 01 2012

In re Application of	:	OFFICE OF PETITIONS
Lee et al.	:	
Application No. 12/082081	:	
Filing or 371(c) Date: 04/07/2008	:	ON PETITION
Attorney Docket Number:	:	
Avnera.P005	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 22, 2011, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 16, 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 files the present petition, and an Amendment in reply to the Office action.

Applicable law, Rules and MPEP

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).

The present petition and amendment

As to item (1), the Examiner has reviewed the Amendment filed with the petition, and concluded that the Amendment fails to place the application in condition for allowance.

As to item (3), 37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

MAR 23 2012

In re Application of	:	OFFICE OF PETITIONS
Lee et al.	:	
Application No. 12/082081	:	
Filing or 371(c) Date: 04/07/2008	:	ON PETITION
Attorney Docket Number:	:	
Avnera.P005	:	

This is a decision on the renewed petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 2012.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 16, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is July 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Publishing Division to await payment of the issue fee, and thereafter for processing into a patent in the normal course of business¹.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ Office records reveal that a Notice of Allowance and Issue Fee Due were mailed on March 9, 2012.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/9/10

TO SPE OF : ART UNIT 2822 Zandra Smith (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/082184 Patent No.: 7534719

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

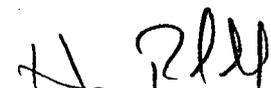
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-A
Palm Location 7580**



Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

/Zandra Smith/

SPE

2822

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE: 3-23-11 Paper No.: _____
TO SPE OF : ART UNIT 2627
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/082,293 Patent No.: 7,603,678
CofC mailroom date: 3-17-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Chak Drawings

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**

Ernie 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: _____

2627
SPE Art Unit



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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Kinney & Lange, P.A.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,874,472 :
Issue Date: 01/25/2011 :
Application No. 12/082,328 : ON PETITION
Filed: 04/10/2008 :
Atty Docket No. PA0003398U-U73.12-245KL :

This is a decision on the REQUEST FOR CERTIFICATE OF CORRECTION filed March 10, 2011, which is properly treated as a petition under 37 CFR 3.81(b).

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and authorized payment of the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

The \$130.00 processing fee under 37 CFR 1.17(i) will be charged to the Deposit Account as authorized.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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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.
12/082,339	04/09/2008	L. Curtis Hannah	UF.698	7820
23557	7590	02/27/2012	EXAMINER	
SALIWANCHIK, LLOYD & EISENSCHENK A PROFESSIONAL ASSOCIATION PO Box 142950 GAINESVILLE, FL 32614			PAGE, BRENT T	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/27/2012	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):

euspto@slepatents.com



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February 27, 2012

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of :
L. Curtis Hannah et al. : **DECISION ON PETITION**
Application No. 12082339 :
Filed: 4/9/2008 :
Attorney Docket No. UF.698 :

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 9, 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 EFS filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 11/17/2010

Applicant : Nobuhiko Fujimura : DECISION ON REQUEST FOR
Patent Number : 7603679 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 12/082,357 : OF WYETH AND NOTICE OF INTENT TO
Filed : 04/10/2008 : 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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/082,365	04/09/2008	Rene Gantier	Q122504	8252
23373	7590	01/25/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			STOICA, ELLY GERALD	
			ART UNIT	PAPER NUMBER
			1647	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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JAN 25 2011

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:
Gantier et al.
Serial No.: 12/082,365
Filed: April 9, 2008
Attorney Docket No: Q122504

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:
: PETITION DECISION
:
:

This is in response to the petition filed on January 12, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 20, 2008; December 17, 2009; and August 3, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on September 17, 2007; January 4, 2008; June 10, 2008; March 2, 2010; and November 24, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on June 20, 2008; December 17, 2009; and August 3, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (June 20, 2008, "Transmittal Letter" of 6 pages; December 17, 2009, "Transmittal Letter" of 5 pages; and August 3, 2010, "Transmittal Letter" of 5 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of June 20, 2008; December 17, 2009; and August 3, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/082,389	04/09/2008	Rene Gantier	Q122505	8321
23373	7590	02/01/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			STOICA, ELLY GERALD	
			ART UNIT	PAPER NUMBER
			1647	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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FEB 01 2011

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:
Gantier et al.
Serial No.: 12/082,389
Filed: April 9, 2008
Attorney Docket No: Q122505

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on January 12, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 20, 2008; November 23, 2009; and August 4, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on June 20, 2008; November 23, 2009; and August 4, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on June 20, 2008; November 23, 2009; and August 4, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (June 20, 2008, "Transmittal Letter" of 6 pages; November 23, 2009, "Transmittal Letter" of 3 pages; and August 4, 2010, "Transmittal Letter" of 3 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of June 20, 2008; November 23, 2009; and August 4, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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Adam R. Stephenson, Esq
60 E Rio Salado Pkwy
9th Floor
Tempe AZ 85281

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of :
Robert A. Riedfort, et al. :
Application No. 12/082,391 :
Filed: April 10, 2008 :
Attorney Docket No. :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in black ink that reads "Terri Johnson". The signature is written in a cursive style with a large, looping initial "T".

Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: 8375-000092/US/CO

Application
Number: 12/082,393

Filing Date
(or 371(b) or (f) Date): April 10, 2008

Patent Number:
7,654,453

Issue Date:
February 2, 2010

First Named
Inventor: Hiroki Mochizuki

Title: **MERCHANDISE REGISTRATION PROCESSING SYSTEM**

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 /G. Gregory Schivley/

Date 08/02/2010

Name
(Print/Typed) G. Gregory Schivley

Registration Number 27,382

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 08/13/2010

Applicant : Hiroki Mochizuki : DECISION ON REQUEST FOR
Patent Number : 7654453 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/082,393 : OF WYETH AND NOTICE OF INTENT TO
Filed : 04/10/2008 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **110** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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**LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480**

**MAILED
APR 03 2012
OFFICE OF PETITIONS**

In re Application of :
ENENKEL :
Application No. 12/082,424 : **DECISION ON PETITION**
Filed: April 11, 2008 :
Attorney Docket No. 2007P07379 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue and publication fees in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed September 16, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 17, 2011. A Notice of Abandonment was mailed January 10, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of \$1740 and the publication fee of \$300; (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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ASHLEY J. WELLS
27 OUTLOOK CIRCLE
SWANNANOVA NC 28778

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of
Kirkup, Kimberly Maria
Application No. 12/082,438
Filed: April 12, 2008
Attorney Docket No. KMK-0001

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 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Ashley J. Wells on behalf of herself as attorney or record. Ashley J. Wells has been withdrawn. Application is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Kimberly Maria Kirkup, 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
Petitions Examiner
Office of Petitions

cc: KIMBERLY MARIA KIRKUP
74 BROOK STREET
BAYSHORE NY 11706



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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T.H.P. Richardson
1055 Trinity Drive
Menlo Park CA 94025

MAILED

MAR 23 2011

In re Application of	:	OFFICE OF PETITIONS
Roger G. Hine, et al.	:	
Application No. 12/082,457	:	DECISION ON PETITION
Filed: April 11, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JUP001-5	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 10, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney of record declaring that he/she is in possession of such evidence that proves the applicant, Derek L. Hine is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3617 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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S. SABBAGH
1375 CONEY ISLAND AVENUE, #123
BROOKLYN, NY 11230

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of
Shelley T. Ehrlich, et al.
Application No. 12/082,465
Filed: April 11, 2008
Attorney Docket No. 4587/1

ON PETITION

This is in response to the communication, filed July 12, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the final Office action mailed September 16, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 12, 2011.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to applicant error in filing a complete response to the Notice mailed September 16, 2010.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates that the petitioner did attempt to file a reply to the Office action on March 16, 2011 and supplemented March 17, 2011, which included a request for a one (1) month extension of time, Request for Continued Examination (RCE), and an amendment, however the reply was incomplete as the Office did not receive a complete copy of the amendment. Since a proper response to the outstanding Office action has not been received, i.e. the amendment was not received into the Office until April 13, 2011 which is outside the time limit for the reply to be considered timely. The application was properly abandoned. Accordingly, the **petition to withdraw the holding of abandonment cannot be granted** at the present time.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors' Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTH** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

/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.



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S. SABBAGH
1375 CONEY ISLAND AVENUE, #123
BROOKLYN, NY 11230

MAILED

OCT 24 2011

In re Application of
Shelley R. Ehrlich, et al,
Application No. 12/082,465
Filed: April 11, 2008
Attorney Docket No. 4587/1

:
:
:
:
:

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 16, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. 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 1615 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.

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : July 25,2011

In re Application of :

Mark Mamaghani

Application No : 12082567

Filed : 11-Apr-2008

Attorney Docket No : 35770-RA

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 25,2011

The request is **APPROVED**.

The request was signed by Barry E. Kaplan (registration no. 38934) on behalf of all attorneys/agents associated with Customer Number 30184 . All attorneys/agents associated with Customer Number 30184 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 Mr. Mark Mamaghani
Name2 c/o Lubrication Systems, Inc.
Address 1 2446 Regency Lake Drive
Address 2
City Marietta
State GA
Postal Code 30062
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12082567	
Filing Date	11-Apr-2008	
First Named Inventor	Mark Mamaghani	
Art Unit	3754	
Examiner Name	LIEN NGO	
Attorney Docket Number	35770-RA	
Title	Portable fluid-storage container and method of use thereof	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30184
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Mr. Mark Mamaghani c/o Lubrication Systems, Inc.	
Address	2446 Regency Lake Drive	
City	Marietta	
State	GA	
Postal Code	30062	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Barry E. Kaplan/
Name	Barry E. Kaplan
Registration Number	38934



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Alexandria, VA 22313-1450
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MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
James D. Aid, et al. :
Application No. 12/082,582 : **DECISION ON PETITION**
Filed: April 11, 2008 :
Attorney Docket No. AJ 06/01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 2, 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 3, 2010. The Notice of Abandonment was mailed October 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Frank J. McGue
10801 N. 32nd Street
Suite 5
Phoenix, AZ 85028

MAILED
SEP 08 2010
OFFICE OF PETITIONS

In re Application of :
Richard Clark Howell Beitman :
Application No. 12/082,611 :
Filed: April 14, 2008 :
Attorney Docket No. RBeitman001 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Frank J. McGue has been revoked by the applicant of the patent application on August 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: Adam R. Stephenson, LTD
60 E. Rio Salado Pkwy.
9th Floor
Tempe, AZ 85281



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David Anthony Burns
14475 SW Beef Bend Rd.
#4
Tigard OR 97224

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :
David Anthony Burns :
Application No. 12/082,622 : DECISION ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. BJ10/02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 2011, 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 October 25, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 23, 2010. Accordingly, the date of abandonment of this application is October 26, 2010. A Notice of Abandonment was mailed on November 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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Daniel D. Ryan
RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee WI 53226-0618

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of :
Horzewski, et al. :
Application No. 12/082,627 : ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. 9345.17121-CIP 3A DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned January 20, 2011 for failure to timely submit a proper reply to the final Office action mailed October 19, 2010. Notice of Abandonment was mailed May 12, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3737 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Application No. 12/082,627

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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TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

MAILED
AUG 3 1 2010
OFFICE OF PETITIONS

In re Application of :
Kumars Zandparsa :
Application No. 12/082,655 : **DECISION ON PETITION**
Filed: April 14, 2008 :
Attorney Docket No. ZAN001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 1, 2010. Accordingly, the date of abandonment of this application is 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 \$755, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.


April M. Wise
Petitions Examiner
Office of Petitions



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.
12/082,662	04/11/2008	Edwin L. Madison	3800003.00059 / 4913	9203
77202	7590	01/31/2011	EXAMINER	
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			ROBINSON, HOPE A	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			01/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
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JAN 3 1 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Madison et al.
Serial No.: 12/082,662
Filed: April 11, 2008
Attorney Docket No: **3800003.00059 / 4913**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on January 13, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on August 7, 2008; April 1, 2009; and July 6, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on August 7, 2008; April 1, 2009; and July 6, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on August 7, 2008; April 1, 2009; and July 6, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (August 7, 2008, "Transmittal Letter" of 6 pages; April 1, 2009, "Transmittal Letter" of 5 pages; and July 6, 2010, "Transmittal Letter" of 3 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of August 7, 2008; April 1, 2009; and July 6, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

VYSIS, INC
PATENT DEPARTMENT
1300 E TOUHY AVENUE
DES PLAINES IL 60018

MAILED
MAR 11 2011
OFFICE OF PETITIONS

In re Application of :
Morrison, et al. :
Application No. 12/082,709 :
Filed: April 14, 2008 :
Attorney Docket No. 9386USO1 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned September 25, 2010 for failure to timely submit a proper reply to the final Office action mailed June 24, 2010. No petition for extension of time for reply was filed. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

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.

Application No. 12/082,709

This application is being referred to Technology Center AU 1634 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.

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

CC: RON GALANT
Polsinelli Shughart PC
161 N. Clark St., Ste. 4200
Chicago, IL 60601



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
Durham NC 27707

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Application of :
DORIAN CHRISTINE WEBB FRITZE :
Application No. 12/082,754 : ON PETITION
Filed: 04/14/2008 :
Attorney Docket No. 1707/2 :

This is in response to the communication filed June 14, 2011, which is properly treated as a petition under 37 CFR 1.182 to change the inventor's name.

Pursuant to MPEP 605.04(c),

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition meets the necessary requirements to change the name of the inventor. The \$400.00 fee for filing a petition under 37 CFR 1.182 will be charged to the Deposit Account as authorized. Accordingly, the petition is granted. The inventor's name will be changed from Dorian Christine Webb Muench to Dorian Christine Webb Fritze.

The Office records have been corrected to reflect the change of the inventor's name as noted above. A corrected filing receipt indicating the change was mailed on June 20, 2011.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DELPHI TECHNOLOGIES, INC
M/C 480-410-202
PO BOX 5052
TROY MI 48007

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of :
Gary L. Ballard, et al. :
Application No. 12/082,779 : DECISION GRANTING PETITION
Filed: April 14, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 89190.037408/DP- :
317580 :

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 October 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1797 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.

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Altis Law Group, Inc.
Attn: Steven M. Reiss
288 S. Mayo Ave.
City of Industry, CA 91789

ej



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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MICHAEL A. GUTH
2-2905 EAST CLIFF DRIVE
SANTA CRUZ CA 95062

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
BAGHDASARIAN :
Application No. 12/082,818 :
Filed: April 14, 2008 :
Attorney Docket No. 1096-US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions



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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Application of :
Thompson, et al. :
Application No. 12/082,822 : ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. 9345.17121-CIP A DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned January 16, 2011 for failure to timely an appeal brief in response to the Notice of Appeal filed November 15, 2010. Notice of Abandonment was mailed July 14, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3737 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/082,836, 04/14/2008, Darren E. Vengroff, 740108.404, 9616

7590 04/28/2011
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT PAPER NUMBER

3661

MAIL DATE DELIVERY MODE

04/28/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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April 28, 2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of :
Darren E. Vengroff et al. : **DECISION ON PETITION**
Application No. 12082836 :
Filed: 4/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 740108.404 : **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 14, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries 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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LAHIVE & COCKFIELD, LLP/MEDAREX
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Peter M. Marinkovich	:	
Application No. 12/082906	:	DECISION ON APPLICATION
Filing or 371(c) Date: 04/14/2008	:	FOR PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
STAN-541CIP	:	

This is a decision on the “APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(b), filed June 14, 2010. Applicant agrees that the patent term adjustment is zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. However, Applicant asserts that the Office erred in failing to calculate an adjustment of 48 days pursuant to 37 CFR 1.702(a)(2).

The Application for Patent Term Adjustment under 37 CFR 1.705(b), is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The application was filed on April 14, 2008. On March 30, 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 zero (0) days.

On June 14, 2010, applicant timely submitted the present request for reconsideration of patent term adjustment¹. Applicant asserts that the Office erred in failing to calculate an adjustment of 48 days pursuant to 37 CFR 1.702(a)(2), in connection with the mailing of a non-final Office action on October 2, 2009. Applicant provides that a reply to a Restriction Requirement was filed on July 7, 2009; however, the Office did not mail a response to Applicant’s reply until October 2, 2009, four months and 48 days after the reply to the Restriction Requirement was filed.

Applicant’s argument has been carefully considered. A review of Office records confirms that Applicant filed a reply to a Restriction Requirement on July 7, 2009. The Office thereafter

¹ Office records show that the Issue Fee payment was received in the Office on June 14, 2010.

mailed a non-final Office action on October 2, 2009, four months and 48 days after the reply to the Restriction Requirement was filed. Pursuant to 37 CFR 1.702(a)(2), an entry of a period of adjustment of 48 days is appropriate.

It is also noted that the Office errantly failed to assess a reduction pursuant to 37 CFR 1.704(c)(7), in connection with the sequence listing filed July 7, 2009. Office records confirm that the Office mailed a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice"), on June 25, 2009. The Notice informed Applicant, *inter alia*, that "[t]here are sequences on page 51, paragraph 202 without SEQ ID NOs." Applicants filed an Amendment in response to the Notice on July 7, 2009, including a sequence listing; however, the sequence listing again contained sequences on page 51, paragraph 202, that were not identified with a SEQ ID NO. Applicants were so notified in the non-final Office action, mailed October 2, 2009. Applicants thereafter filed an Amendment on January 4, 2010, amending the application to identify the sequences with SEQ ID NOs. Pursuant to 37 CFR 1.704(c)(7), a reduction of 181 days, beginning on the day after the date the reply having an omission was filed, July 7, 2009, and ending on the date that the reply or other paper correcting the omission was filed, January 4, 2010, is appropriate².

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is remains zero (0) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and *must* include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.



Anthony Knight
Director
Office of Petitions

² The reduction of 181 days pursuant to 37 CFR 1.704(c)(7), overlaps with the reduction of two (2) days in connection with the amendment filed January 4, 2010, in reply to the non-final Office action, mailed October 2, 2009.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/082,906 04/14/2008 M. Peter Marinkovich STAN-541CIP 9742

7590 12/14/2010
NELSON MULLINS RILEY & SCARBOROUGH LLP/MEDAREX
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

EXAMINER

HALVORSON, MARK

ART UNIT PAPER NUMBER

1642

MAIL DATE DELIVERY MODE

12/14/2010

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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December 13, 2010

NELSON MULLINS RILEY & SCARBOROUGH LLP/MEDAREX
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

In re Application of :
M. Peter Marinkovich : **DECISION ON PETITION**
Application No. 12082906 :
Filed: 04/14/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. STAN-541CIP : **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) 04/14/2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : February 6, 2012

In re Application of :

Robert Silfvast

Application No : 12082954

Filed : 14-Apr-2008

Attorney Docket No : 361912.05025

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 6, 2012

The request is **APPROVED**.

The request was signed by Marc S. Kaufman (registration no. 35212) on behalf of all attorneys/agents associated with Customer Number 84666. All attorneys/agents associated with Customer Number 84666 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 Sezmi Corporation
Name2
Address 1 1301 Shoreway Road
Address 2 Suite 310
City Belmont
State CA
Postal Code 94002
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12082954	
Filing Date	14-Apr-2008	
First Named Inventor	Robert Silfvast	
Art Unit	2465	
Examiner Name	JEREMY COSTIN	
Attorney Docket Number	361912.05025	
Title	Networked antenna and transport system unit	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		84666
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Sezmi Corporation	
Address	1301 Shoreway Road Suite 310	
City	Belmont	
State	CA	
Postal Code	94002	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marc S. Kaufman/
Name	Marc S. Kaufman
Registration Number	35212



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 6, 2012

In re Application of :

Philip Wiser

Application No : 12082955

Filed : 14-Apr-2008

Attorney Docket No : 361912.05003.US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 6, 2012

The request is **APPROVED**.

The request was signed by Marc S. Kaufman (registration no. 35212) on behalf of all attorneys/agents associated with Customer Number 84666. All attorneys/agents associated with Customer Number 84666 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 Sezmi Corporation
Name2
Address 1 1301 Shoreway Road
Address 2 Suite 310
City Belmont
State CA
Postal Code 94002
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12082955	
Filing Date	14-Apr-2008	
First Named Inventor	Philip Wiser	
Art Unit	2175	
Examiner Name	HENRY ORR	
Attorney Docket Number	361912.05003.US	
Title	Viewer interface for a content delivery system	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		84666
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Sezmi Corporation	
Address	1301 Shoreway Road Suite 310	
City	Belmont	
State	CA	
Postal Code	94002	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marc S. Kaufman/
Name	Marc S. Kaufman
Registration Number	35212



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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**WARE FRESSOLA VAN DER SLUYS
& ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, PO BOX 224
MONROE CT 06468**

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
David COOK :
Application No. 12/082,963 : **DECISION ON PETITION**
Filed: April 14, 2008 : **TO WITHDRAW**
Attorney Docket No. 730-015.002-1 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Alfred A. Fressola on behalf of the attorneys of record associated with Customer No. 04955.

The attorneys of record associated with Customer No. 04955 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: DAVID COOK
10 SUNSET TERRANCE
SHERMAN CT 06784



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
12/082,963	04/14/2008	David Cook	730-015.002-1

CONFIRMATION NO. 1115

POWER OF ATTORNEY NOTICE

4955
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468



Date Mailed: 12/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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EVERMAN LAW FIRM, PA
9111 Woodhall Lake Drive
Waxhaw NC 28173

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of :
Ashline :
Application No. 12/082,966 : ON PETITION
Filed: April 14, 2008 :
Attorney Docket No. 147E-0369CIP :
For: MULTI-POINT TETHERING SYSTEM
FOR HEAD AND NECK RESTRAINT
DEVICES

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2011, to revive the above-identified application.

This application became abandoned for failure to properly respond to the final Office action, mailed May 14, 2010, which set an extendable three month period for reply. Applicant submitted an amendment after final and a petition for a one month extension of time with required fee on September 14, 2010. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the November 4, 2010 Advisory action. Accordingly, this application became abandoned on September 15, 2010. A Notice of Abandonment was mailed on December 17, 2010.

Applicant has submitted a RCE and \$465.00 required fee and a request to use the previously filed amendment of September 14, 2010 as the submission in reply to the May 14, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 14, 2010 final Office action, and the \$930.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 3765 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

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AUG 01 2011

OFFICE OF PETITIONS

In re Application :
Dieter Wurz et al. :
Application No. 12/083,136 :
Filed: April 3, 2008 :
Attorney Docket No. 5000.P0167US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 28, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
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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NOV 03 2011

OFFICE OF PETITIONS

In re Application of :
Steven I. Bachenheimer :
Application No. 12/083,147 :
Filed: April 3, 2008 :
Attorney Docket No. 026090-000110US :

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 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Christopher L. Willink, on behalf of all attorneys/agents of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Kemesa LLC
3201 NE 183rd Street, Suite 1502
Aventura, FL 33160



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/083,199	04/07/2008	Bartholomeus Henricus Antonius Maas	3560-016SPUS1	5901
2292	7590	05/18/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			GRANO, ERNESTO ARTURIO	
			ART UNIT	PAPER NUMBER
			3788	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: ::
MAAS, BARTHOLOMEUS HENRICUS ANTONIUS ::
Serial No.: 12/083,199 :
Filed: April 7, 2008 ::
Docket: 3560-0165PUS1
Title: ASSEMBLY AND METHOD FOR
INTRODUCING A DOSE OF A MIXING
SUBSTANCE INTO A CONTAINER

DECISION ON PETITION

This is a decision on the petition filed on April 21, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed April 16, 2010, and that non-elected claims 11-16 and 21-24 be rejoined and examined on the merits. Claims 1-10, 17-20 and 25 were elected for prosecution. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED.

A review of the record reveals that on April 16, 2010, a restriction requirement and election of species requirement were made under 35 USC 121 and 35 USC 372 between two disclosed and claimed inventions: I) claims 1-20 drawn to an assembly, II) claims 21-24 drawn to a method for introducing a mixing substance into a container. Furthermore, the examiner also held that there were three distinct or independent species, namely, Figs. 1-3; Fig. 4 (designated as prior art) and Figs. 5A-5B. This application was filed under 35 USC 371 and therefore the groups of inventions must be shown to be not so linked as to form a single general inventive concept under PCT Rule 13.1.

On pages 3-4 of the petition, petitioner argues that the provision of 37 CFR § 1.475(b) precludes the restriction requirement because the apparatus claims 1-20 is "specially designed" to carry out the claimed process claims 21-24. Petitioner also provides further explanation as to the term "specially designed" in accordance with the claim limitations in the process claim 21 as supported by MPEP § 1893.03(d). In the subsequent Office actions of August 5, 2010 and

February 22, 2011, petitioner alleges that the examiner failed to respond to the applicant's arguments regarding the provisions of 37 CFR § 1.475(b). Finally, on page 5 of the petition, petitioner also alleges that the election of species requirement of April 16, 2010 was improper because claims 2-19 and claims 22-24 do not contain any mutually exclusive characteristics or limitations.

Discussion

The issues in this case are 1, whether or not there is lack of unity of invention between the apparatus as claimed in apparatus claims 1-20 and the process as claimed in process claims 21-24 under MPEP § 1850; and 2, whether or not there is lack of unity among the Species I, II and III as claimed in claims 11-16.

Unity of invention (not restriction) practice is applicable in national stage applications submitted under 35 U.S.C. 371. MPEP § 1893.03(d). During the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rules 13.1 and 13.2 will be followed when considering unity of invention claims. MPEP § 1850, item I.

PCT Rule 13.1 states

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT Rule 13.2 states

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Relevant portions of section II of MPEP §1850 Unity of Invention, states [emphasis added below]:

An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).

Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more of the same or corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

Lack of unity of invention may be directly evident "a priori," that is, before considering the claims in relation to any prior art, or may only become apparent "a posteriori," that is, after taking the prior art into consideration. For example, independent claims to A + X, A + Y, X + Y can be said to lack unity a priori as there is no subject matter common to all claims. In the case of independent claims to A + X and A + Y, unity of invention is present a priori as A is common to both claims. *However, if it can be established that A is known, there is lack of unity a posteriori, since A (be it a single feature or a group of features) is not a technical feature that defines a contribution over the prior art.* (Emphasis added).

MPEP 1850 clearly states that "Unity of invention has to be considered in the first place only in relation to the *independent claims* in an international application and *not the dependent claims.*" [emphasis added]. The examiner should bear in mind that a claim may also contain a reference to another claim even if it is not a dependent claim as defined in PCT Rule 6.4. One example of this is a claim referring to a claim of a different category (for example, "Apparatus for carrying out the process of Claim 1 ...," or "Process for the manufacture of the product of Claim 1 ..."). Similarly, a claim to one part referring to another cooperating part, for example, "plug for cooperation with the socket of Claim 1 ..." is not a dependent claim. Therefore, the examiner has correctly treated the dependent process claim 21 as an independent process claim for the purpose of finding lack of unity of invention.

In judging the propriety of the restriction requirement, a lack of unity of invention must be either directly evident "*a priori*", that is, before considering the claims in relation to any prior art, or may only become apparent "*a posteriori*", that is, after taking the prior art into consideration.

After the examiner issued the restriction requirement and the applicant elected the group I invention (claims 1-20) and Species I (claims 1-10 and 17-24), the examiner issued a first action on the merits on August 5, 2010 and a final Office action dated February 22, 2011. In the non-final Office action, the examiner rejected the elected independent claim 1 as being anticipated by Haber (USP 5,114,411). In the final Office action, the examiner rejected the elected independent claim 1 as unpatentable over Haber (USP 5,114,411) in view of Lorscheidt (USP 6,321,908) and Plaumann (USP 6,375,460). Elected claim 1 was the only independent claim in the application.

Therefore, it became apparent "*a posteriori*"; that is, after taking the prior art into consideration that lack of unity of invention exists. Because all of the features of claim 1 are known and do not avoid the prior art, there is no special technical feature that defines a contribution over the prior art that is common to all of the independent claims. In this situation, clearly there is lack of unity of invention.

With regard to the election of species requirement, since there is no claims directed to the Species II, Fig.4, this part of the election of species is hereby withdrawn. Whereas the remaining election of species requirement between Species I and III remains unchanged for the reason as

set forth above. In particular, the features as claimed in the independent claim 1 are known and do not avoid the prior art, there is no special technical feature that defines a contribution over the prior art. The election of species requirement is proper to the extent of Species I and III.

On page 5 of the petition, petitioner also argues that the disclosed and claimed Species are not mutual exclusive. Since the Species 4 has been withdrawn from the election of species requirement, the discussion will not address the Species II, prior art shown in Fig 4. According to the supporting specification as originally filed, Species I does claim the locking or connecting means 8, 29 which is mutually exclusive from the disclosed and claimed guide rail and cam 61-64 of Species III. Therefore, it cannot be said that the disclosed and claimed Species are not mutually exclusive under MPEP § 806.04(f).

In the petition, petitioner argues that the provision of 37 CFR § 1.475(b) precludes the restriction requirement.

37 CFR 1.475(b) states in relevant part:

An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(4) A process and an apparatus or means specifically designed for carrying out the said process;

Although 37 CFR 1.475(b) (4) indicates that a national stage application containing claims to different categories of invention will be considered to have unity if the claims are drawn to a process and apparatus or means specially designed for carrying the said process, this illustration is only an "interpretation of and not an exception to the requirements of PCT Rule 13.1". MPEP § 1850, item III, second full paragraph. Examples are set out in Chapter 10 of the International Search and Preliminary Examination Guidelines. Paragraph 10.21 of the Guidelines clearly illustrates that if the common technical feature among the apparatus and process is known in the art, unity is lacking.

Finally, petitioner argues that the applicant's due process right as required by the Administrative Procedures Act was denied. The Technology Center does not possess the authority to modify or reinterpret these procedures. Therefore, the petitioner's challenge of denial of due process right cannot be appropriately addressed by the petition.

For the reasons outlined above, the examiner's restriction requirement and the election of species between Species I and III are considered proper. Petitioner's request to have the restriction requirement between the apparatus and process and the election of species between Species I and III withdrawn will not be granted.

Conclusion

The restriction requirement issued on April 16, 2010 is in accordance with proper Office procedure. Accordingly, the restriction requirement between apparatus and process and the election of species between Species I and III stand. The petitioner's request to withdraw the restriction requirement of April 16, 2010 is dismissed.

The application is being forwarded to Supervisory Patent Examiner of Art Unit for awaiting the applicant's response to the Advisory Action of May 9, 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 (37 CFR 1.181(f)). 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 C. Yuen, Quality Assurance Specialist, at (571) 272-4856.

The petition is DISMISSED.



Donald T. Hafec, Director
Technology Center 3700



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TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1414

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DEC 16 2010

OFFICE OF PETITIONS

ON PETITION

In Re application of :
Pierre Catoul et al. :
Application No. 12/083,250 :
Filed: June 9, 2009 :
Attorney Docket No. 012108/000028 :

This is a decision on the petition under 37 CFR 1.59, filed September 27, 2010 to expunge papers from the application file.

The petition is **granted**.

Petitioner requests that the Notice of Appeal submitted September 27, 2010, be expunged from the record. Petitioner states that the information was submitted in error and was meant for another 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.

The fee for a petition filed under 37 CFR 1.59 is set forth under 37 CFR 1.17(g) which is currently \$200. Petitioner filed the petition with a \$400 fee. The \$200 overpayment has been 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



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755 MAIN STREET, P O BOX 224
MONROE, CT 06468

MAILED
FEB 01 2011
PCT LEGAL ADMINISTRATION

In re Application of HUOTARI et al :
U.S. Application No.: 12/083,298 :
PCT Application No.: PCT/IB2005/003247 :
Int. Filing Date: 07 October 2005 :
Priority Date Claimed: none : **DECISION**
Attorney Docket No.: 915-011.018 :
For: A GRAPHICAL USER INTERFACE, A :
METHOD, A DEVICE AND A COMPUTER :
PROGRAM FOR PROVIDING A MENU :
AND/OR INPUTTING AN ACCESS CODE :

This is in response to the petition under 37 CFR 1.182 filed 13 October 2009.

BACKGROUND

On 07 October 2005, applicant filed international application PCT/IB2005/003247. A copy of the international application was communicated to the USPTO from the International Bureau on 19 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 April 2008.

On 07 April 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 08 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which stated that an oath or declaration must be filed.

On 08 September 2009, applicant filed an executed declaration.

On 13 October 2009, applicant filed the instant petition under 37 CFR 1.182.

On 25 January 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

DISCUSSION

MPEP 1893.01(e) states in relevant part,

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The petition states that the surname of the second inventor has changed from "Mäki" to "Maaninka". In accordance with MPEP 605.04, the present petition includes a statement setting forth both names and specifying the procedure whereby the name change was effected. The requisite petition fee under 37 CFR 1.17(f) has been submitted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 25 January 2011 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 October 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 September 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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NOV 29 2010

OFFICE OF PETITIONS

Applicant: Dongqi Qian
Appl. No.: 12/083,312
International Filing Date: October 6, 2006
Title: A CYCLONE SEPARATING DEVICE OF A CLEANER
Attorney Docket No.: 59369-258370
Pub. No.: 2009/0320421 A1
Pub. Date: December 31, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on February 26, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error on the front page of the publication wherein one of the foreign priority claim numbers, Chinese application no. "200510119889.6" was not listed on the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records. . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error in the foreign priority claim on the front page of the publication may be an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No. 12/083,312

On September 24, 2009, a Filing Receipt was mailed by the Office, which only listed one of the foreign priority numbers. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

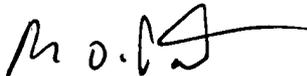
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Anna Fallgren, et al.
Application No. 12/083,343
Filed: April 10, 2008
Attorney Docket No. 2380-1194

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 16, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **ERICSSON INC.
6300 LEGACY DRIVE
M/S EVER 1-C-11
PLANO, TX 75024**



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PCT LEGAL ADMINISTRATION

OHLANDT, GREELEY, RUGGIERO
& PERLE, LLP
ONE LANDMARK SQUARE
10TH FLOOR
STAMFORD, CT 06901

In re Application of: KELLY, Edward, J., et al.	:	
U.S. Application No.: 12/083,344	:	DECISION ON PETITIONS
PCT No.: PCT/US2006/039189	:	UNDER 37 CFR 1.137(b)
International Filing Date: 06 October 2006	:	AND 37 CFR 1.47(a)
Priority Date: 14 October 2005	:	
Attorney's Docket No.: 155.9020USU	:	
For: UNIVERSAL PREPAID	:	
COMMUNICATIONS	:	

This decision is issued in response to applicants' "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64) and the "Petition Under 37 CFR 1.47(b) For Filing By Other Than All Inventors" filed 24 June 2011. Applicants have paid the required petition fees.¹

BACKGROUND

On 06 October 2006, applicants filed international application PCT/US2006/039189. The application claimed a priority date of 14 October 2005, and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, i.e., 14 April 2008.

On 10 April 2008, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 01 July 2009, the United States Designated/Elected Office (DO/EO/US) issued a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Applicants did not file a response to the Notification Of Missing Requirements during the maximum extendable period for reply. Accordingly, the present application became abandoned at midnight on 01 September 2009.

¹ With respect to the petition under 37 CFR 1.47, applicants have submitted \$130 as the petition fee; however, the applicable petition fee is \$200. Deposit Account No. 01-0467 will be charged the additional \$70 required to complete the petition fee.

On 24 June 2011, applicants filed the "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64) and the "Petition Under 37 CFR 1.47(b) For Filing By Other Than All Inventors" considered herein.

DISCUSSION

1. Petition For Revival Under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), pursuant to section 711.03(c) of the Manual of Patent Examining Procedures (MPEP), the "required reply" is the reply sufficient to have avoided abandonment, had such reply been timely filed. Accordingly, the "required reply" here is a proper response to the Notification Of Missing Requirements issued 01 July 2009, that is, an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

The present petition was accompanied by payment of the required surcharge, a declaration executed by one of the two inventors of record and on behalf of the non-signing inventor by a representative of the assignee, and a petition under 37 CFR 1.47 requesting acceptance of such declaration without the signature of all the inventors. However, as discussed in detail below, the petition under 37 CFR 1.47 is not grantable as filed. Accordingly, the declaration filed by applicants with the present petition, which is not executed by both of the inventors of record and which is not accompanied by a grantable petition under 37 CFR 1.47, cannot be accepted on the present record under 37 CFR 1.497. Because applicants have not filed a declaration that may be accepted under 37 CFR 1.497, applicants have not submitted the complete "required reply." Item (1) of a grantable petition under 37 CFR 1.137(b) is therefore not satisfied.

With respect to item (2), applicants have submitted the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," as required. It is noted that the attorneys filing the present petition were not the attorneys who filed the application. It is therefore 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 a result of a reasonable inquiry into the facts and circumstances of the delay. See Changes to Patent Practice and Procedure, 62 Fed Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63,103 (October 21, 1997). In the event

that such 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. In view of the above, item (3) is considered satisfied.

Item (4) does not apply in the present application.

Based on the above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The petition is therefore appropriately dismissed.

2. Petition under 37 CFR 1.47(a)

The present petition was filed under 37 CFR 1.47(b); however, 37 CFR 1.47(b) only applies where none of the inventors of record have signed the declaration. Where, as here, at least one of the inventors has signed the declaration, the applicable regulation is 37 CFR 1.47(a). Accordingly, the present petition has been considered under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, Isai SHENKER, and this declaration contains an unsigned signature block for the non-signing inventor, Edward J. KELLY. However, applicants have also filed a declaration executed on behalf of non-signing inventor Edward J. KELLY by an officer of the assignee, IDT Corp. ("IDT"). Where, as here, at least one of the inventors has executed the declaration, it is impermissible for the assignee to sign on behalf of any of the other inventors.² Because the assignee has executed a declaration on behalf of the non-signing inventor, it cannot be presumed that Isai SHENKER executed the declaration filed herein on his own behalf and on behalf of the non-signing inventor, as required for the declaration to be accepted under 37 CFR 1.47(a). Applicants must provide a newly-executed declaration from the co-operating inventor containing

² The assignee can only sign on behalf of a non-signing inventor(s) in cases where none of the inventors has signed the declaration (see 37 CFR 1.47(b)).

an unsigned signature block for the non-signing inventor that may be accepted as having been executed by the inventor on his own behalf and on behalf of the non-signing inventor. Until such a revised declaration is submitted, item (3) of a grantable petition is not satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, “[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.” The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, indicating that a request for signature, accompanied by a copy of the complete international application, was twice delivered to the last known address of the non-signing inventor via Federal Express. The petition also indicates that an internet search performed after delivery of the correspondence returned the address used as the address of the non-signing inventor (a copy of the results of such internet search were not included with the petition). However, the tracking data provided by petitioner indicates that the correspondence was left at the inventor's last-known address, not signed for by the inventor. It is therefore not clear that the signature requests were actually received by the inventor. Evidence of receipt is particularly important where, as here, the petitioner is asking the Office to interpret a failure to respond to a signature request as a refusal to sign the application. Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must supplement the present submission with a firsthand statement, with accompanying documents, confirming that a signature request accompanied by a copy of the complete application has been provided to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request. In view of the above, on the present record, item (4) of a grantable petition is not satisfied.

Based on the above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately dismissed.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) and the petition under 37 CFR 1.47(b) are **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petitions Under 37 CFR 1.137(b) and 1.47(a)" and must include the materials required to satisfy the “required reply” element of a grantable petition, that is, either (1)

an acceptable declaration executed by both inventors of record, or (2) an acceptable declaration executed by the co-operating inventor on his own behalf and on behalf of the non-signing inventor, accompanied by the additional materials necessary to complete the requirements of a grantable petition under 37 CFR 1.47(a) for acceptance of such a declaration, as discussed above and in the MPEP. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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PCT LEGAL ADMINISTRATION

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In re Application of: KELLY, Edward, J., et al.	:	
U.S. Application No.: 12/083,344	:	DECISION ON RENEWED
PCT No.: PCT/US2006/039189	:	PETITIONS UNDER
International Filing Date: 06 October 2006	:	37 CFR 1.137(b) AND
Priority Date: 14 October 2005	:	37 CFR 1.47(a)
Attorney's Docket No.: 155.9020USU	:	
For: UNIVERSAL PREPAID	:	
COMMUNICATIONS	:	

This decision is issued in response to applicants' "Response To Decision On Petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a)" filed on 12 October 2011, treated herein as renewed petitions. Applicants have previously paid the required petition fees.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 12 August 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.137(b) and 1.47(a), finding that applicants had not satisfied all applicable requirements.

On 12 October 2011, applicants filed the "Response To Decision On Petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a)" considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.47(a)

Applicants' 12 October 2011 submission includes declarations executed by both of the inventors of record, including the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Edward J. KELLY. These declarations are acceptable in compliance with 37 CFR 1.497(a) and (b).

Because applicants have now submitted an executed declaration in compliance with 37 CFR 1.497 from each of the inventors of record, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately dismissed as moot.

2. **Renewed Petition Under 37 CFR 1.137(b)**

As discussed in the previous decision, the final outstanding element of a grantable petition for revival under 37 CFR 1.137(b) is the completion of the "required reply," that is, a proper response to the Notification Of Missing Requirements issued on 01 July 2009.

The Notification Of Missing Requirements required submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. Applicants have previously submitted the required surcharge and, as noted above, applicants' present submission includes a fully executed declaration in compliance with 37 CFR 1.497. Applicants have therefore now completed the "required reply," satisfying the final element of a grantable petition for revival under 37 CFR 1.137(b). The petition for revival is therefore appropriately granted.

CONCLUSION

The petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is **DISMISSED AS MOOT**.

The renewed petition for revival under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 October 2011.

/RichardMRoss/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/083,359	01/26/2009	Markus Kilian	KILI3004/FJD	8352
23364	7590	12/09/2011	EXAMINER RECEK, JASON D	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176			ART UNIT 2442	PAPER NUMBER
			MAIL DATE 12/09/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALEXANDRIA VA 22314-1176

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DEC 09 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of:)
Kilian, Markus et al)
Application No. 12083359)
Filed: January 6, 2009)
For: METHOD FOR THE SECURE)
TRANSMISSION OF DATA OF A FIELD)
DEVICE USED IN PROCESS AUTOMATION)
TECHNOLOGY)

**DECISION ON PETITION
UNDER 37 CFR § 1.181**

This is a decision on the petition filed on October 12, 2011 under 37 C.F.R. § 1.181 to to invoke Supervisory Authority of the Commissioner and require the Examiner to enter and act on the merits of the response filed August 22, 2011.

The petition is **GRANTED**.

BACKGROUND

Applicant filed a Request for Reconsideration on August 22, 2011 indicating that provisional application 60/680,643 must satisfy 35 U.S.C. 112 to support the application of the Zielinski reference (United States Patent Application Publication US 2006/0259159) in the rejection of Claims 9-14 and 16 under 35 U.S.C. 102(e) and Claim 15 under 35 U.S.C. 103(a). An Advisory Action was mailed on September 22, 2011 indicating Applicant had provided no good showing of good and sufficient reasons why the other evidence now relied upon (provisional application 60/680,643) is necessary and was not earlier presented, per 37 CFR 1.116(e).

DECISION

A review of the file indicates that Applicant submitted arguments as to the patentability of Claims 9-14 and 16 under 35 U.S.C. 102(e) and Claim 15 under 35 U.S.C. 103(a). The submitted arguments do not constitute an affidavit or evidence that would necessitate a showing under 37 CFR 1.116(e) as to why said affidavit or evidence was not earlier presented. Per MPEP 714.13: "Once a final rejection that is not premature has been entered in an application, applicant or patent owner no longer has any right to unrestricted further prosecution. *This does not mean that no further amendment or argument will be considered*" (emphasis added). Therefore, the arguments submitted by Applicant on August 22, 2011 should be considered by Examiner.

Serial No.: 10/588,155
Decision on Petition

- 2 -

For the above stated reasons, the petition is **GRANTED**. The application is being forwarded to the examiner for consideration of the Request for Reconsideration filed August 22, 2011.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3126.

/Chau Nguyen/

Chau Nguyen
QAS, Technology Center 2400



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Paper No.

GEORGE E. DARBY
P.O. BOX 893010
MILILANI HI 96789-3010

MAILED
JAN 03 2012
OFFICE OF PETITIONS

In re Application of :
Lui et al. : DECISION ON
Application No. 12/083,360 : PETITION
Filed: April 17, 2009 :
Attorney Docket No. :
Eye.ResorbCB.US.06 :

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.

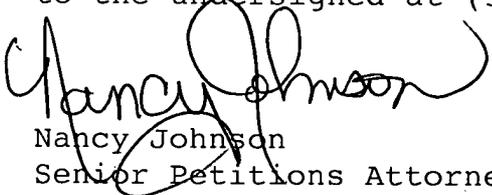
The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a timely and proper reply to the final Office action sent April 20, 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 third month, was filed on October 11, 2011; however, it was determined not to place the application in condition for allowance. No proper reply having been received and no further extension of time obtainable, the application became abandoned effective October 21, 2011. A courtesy Notice of Abandonment was mailed on November 15, 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 3774 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 13, 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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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

MAILED
SEP 01 2011
OFFICE OF PETITIONS

In re Application of :
Jacob J. Schmidt, et al. :
Application No. 12/083,410 : **NOTICE**
Filed: June 2, 2008 :
Attorney Docket No.: 03291.0011U2 :

This is in response to the paper filed August 1, 2011 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of May 6, 2011 has been made of record and small entity status has been accorded.

In view of the above, a refund of the fees paid in excess for the extension of time and additional claim fees paid on May 6, 2011 are being refunded as requested.

The application is being referred to the Office of Data Management to await a response to the Notice of Allowance mailed August 4, 2011.

Telephone inquiries 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



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GARVEY SMITH NEHRBASS & NORTH, LLC
LAKEWAY 3, SUITE 3290
3838 NORTH CAUSEWAY BLVD.
METAIRIE LA 70002

MAILED

AUG 18 2011

PCT LEGAL ADMINISTRATION

In re Application of :
REIFFEL :
Application No.: 12/083,447 : DECISION ON PETITION
PCT No.: PCT/US2006/039969 :
Int. Filing Date: 11 October 2006 : UNDER 37 CFR 1.10(c)
Priority Date: 11 October 2005 :
Atty. Docket No.: A11067US (99470.3) :
For: CONTAINERS AND METHOD AND APPARATUS: :
FOR FORMING CONTAINERS :

This is a decision on applicant's request for withdrawal of notice of abandonment filed 25 April 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 C.F.R. § 1.10(c). No petition fee is required.

BACKGROUND

On 11 October 2006, applicant filed international application PCT/US2006/039969 which claimed priority to an earlier application filed 11 October 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 April 2008.

On 12 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an executed declaration of the inventor.

On 04 September 2009, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) advising applicant that the above-captioned application was abandoned as to the United States national stage for failure to file prior to the expiration of thirty months from the claimed priority date.

On 25 April 2011, applicant filed the present petition indicating that the national stage papers were filed on 11 April 2008 while the USPTO accorded a date of 12 April 2008.

DISCUSSION

37 CFR 1.10(c) states: Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail," and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied item 1.

Regarding item 2, a review of the originally filed papers finds that the number of the Express Mail mailing label does not appear on any of the papers.

As to item 3, applicant has included a copy of the track and confirm printout from the USPS, but has not supplied the office with a true copy of the "Express Mail" mailing label showing the "date-in."

Regarding the "Patent Application Fee Determination Record" dated 11 April 2011 in the electronic file wrapper it appears that this form was erroneously included in this application. While the form does list application number 12/083,447, the claims are calculated based on a preliminary amendment and list 20 total claims. The above-captioned application was not amended and lists five claims.

CONCLUSION

For the reasons stated above applicant's petitions under 37 CFR 1.10(c) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10 (c)." Applicant may also want to alternatively consider filing a petition to revive pursuant to 37 CFR 1.137(b).

Application No.: 12/083,447

3

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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3838 NORTH CAUSEWAY BLVD.
METAIRIE LA 70002

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OCT 17 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
REIFFEL	:	DECISION ON PETITION
Application No.: 12/083,447	:	
PCT No.: PCT/US2006/039969	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 October 2006	:	
Priority Date: 11 October 2005	:	
Atty. Docket No.: A11067US (99470.3)	:	
For: CONTAINERS AND METHOD AND	:	
APPARATUS FOR FORMING CONTAINERS	:	

The petition to revive under 37 CFR 1.137(b) filed 27 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee and a statement of unintentional delay. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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Office of PCT Legal Administration
Tel: (571) 272-3294



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/083,490	09/16/2008	Xavier Giraud	3340.252WOUS	1729
24113	7590	04/13/2012	EXAMINER	
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			DUFFY, JAMES P	
			ART UNIT	PAPER NUMBER
			2461	
			MAIL DATE	DELIVERY MODE
			04/13/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of:

Xavier Giraud

Appl. No.: 12/083,490

Filed: September 16, 2008

For: **METHOD FOR RECEIVING FRAMES OF A DIGITAL
STREAM**

MAILED

APR 13 2012

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on March 13, 2012, to expunge information submitted pursuant to MPEP § 724.05(II).

The petition is **GRANTED**.

Petitioner requests that the information submitted on December 20, 2011 be expunged from the record as the information was unintentionally filed. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

A Petition to expunge information unintentionally submitted should include:

- (a) the Office can effect such return prior to the issuance of any patent on the application at 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 review of the file indicates that the information is not material to the patentability of the claims and the petition complies with all the above requirements. Therefore, the petition is granted.

Serial No.: 12/083,490
Decision on Petition

- 2 -

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-7294

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re application of
Arita et al.
Application No. 12/083,514
Filed: April 11, 2008
For: ROUTE SEARCH SYSTEM

: **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 November 5, 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, KIPO, CIPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed November 5, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/28/10



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FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Katsutoshi Goto et al :
Application No. 12/083,521 : DECISION GRANTING PETITION
Filed: April 11, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 04853.0168 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 15, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 8, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2857 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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JOHN S. PRATT
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Jean-Luc Petitpierre et al	:	
Application No. 12/083,524	:	DECISION ON PETITION
Filed: August 31, 2009	:	TO WITHDRAW
Attorney Docket No. GRYN-251	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 19, 2011.

The request is **APPROVED**.

A review of the file record indicates that R. Ross Viguet: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, R. Ross Viguet has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: R. Ross Viguet
Fulbright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, TX 75201-2784



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/083,524	08/31/2009	Jean-Luc Petitpierre	GRYN-251

24972
FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

CONFIRMATION NO. 1654
POWER OF ATTORNEY NOTICE



Date Mailed: 06/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/15/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/i dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/083,524	08/31/2009	Jean-Luc Petitpierre	GRYN-251

CONFIRMATION NO. 1654

POA ACCEPTANCE LETTER

23370
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309



Date Mailed: 06/17/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/15/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of :
Olson :
Application No. 12/083,528 : ON PETITION
Filed: April 14, 2008 :
Attorney Docket No. PU050255 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned June 3, 2011 for failure to timely submit a proper reply to the final Office action mailed March 2, 2011. No petition for extension of time for reply was sought. Notice of Abandonment was mailed September 15, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2878 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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001-4413

Applicant: Charneau et al.
Appl. No.: 12/083,532
International Filing Date: October 17, 2006
Title: A LENTIVIRAL VECTOR-BASED VACCINE
Attorney Docket: 03495.0415-00000
Pub. No.: US 2010/0028382 A1
Pub. Date: February 4, 2010

MAILED
JAN 06 2011
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 1, 2010, for the above-identified application.

The request is granted in part.

Applicant requests that the application be republished because the patent application publication contains errors in the Title, Specification and Claims, wherein the article "A" was deleted.

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the title wherein the article "A" was deleted is not a material mistake made by the Office under 37 CFR 1.221(b). In accordance with MPEP 606, articles "a," "an," and "the" should not be included as the first words of the title of the invention and will be deleted when the Office enters the title into the Office's computer records, and when any patent issue

The other errors will be corrected.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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Law Office of Salvatore Arrigo and Scott Lee, LLP
1050 Connecticut Ave. NW
10th Floor
Washington, D.C. 20036

MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Pierre Charneau :
Application No.: 12/083,532 :
Filed: April 06, 2009 :
Attorney Docket No.: DI2005-66-B :
For: A LENTIVIRAL VECTOR-BASED :
VACCINE :

DECISION ON PETITION

This decision is issued in response to applicant's "Petition to Accept an Unintentionally Delayed Claimed under 35 U.S.C. §119 & 120" filed April 28, 2011. Applicant requests, treated herein as a petition under CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the application data sheet concurrently with the instant petition. Because the petition seeks to add a delayed foreign priority claim, the petition is being treated as a petition under 37 CFR 1.55 to accept an unintentionally delayed claim under for foreign priority.

Petition under 37 CFR 1.78(a)(3)

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been set forth in the application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed 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.

Petition under 37 CFR 1.55(c)

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority is applicable to priority claims under 35 U.S.C. 119(a)-(d) or 365(a), but not priority claims under 35 U.S.C. 365(b). In that a foreign priority in a national stage application (35 U.S.C. 371) is governed by 35 U.S.C. 365(b), the petition procedure under 37 CFR 1.55(c) is not applicable to the present case.

See also, section 1893.03(c), page 1800-123, column 2, of the Manual of Patent Examining Practice.(MPEP) states the following with regard to a priority claim in a national stage application (emphasis added):

A national stage application which includes a priority claim under 35 U.S.C. 119(a) must refer to a priority application the priority of which was also claimed in the international application.

If the 35 U.S.C. 119(a) priority claim in the national stage application is to an application the priority of which was not claimed in the international application, the claim for priority must be denied for failing to meet the

requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.

In addition, section 1895.01B, page 1800-130, column 2, of the MPEP states the following:

Pursuant to 35 U.S.C. 365(b), a priority claim under 35 U.S.C. 119(a) is proper if (a) a claim for priority was made in the international application, and (b) the application was filed within 12 months prior to the international filing date.

Finally, 35 U.S.C. 365(b) states the following (emphasis added):

In accordance with the conditions and requirements of section 119(a) of this title and the treaty and the Regulations, an international application designating the United States shall be entitled to the right of priority based on a prior foreign application

Because the priority claim here was not made in accordance with the conditions and requirements of the treaty and the Regulations, the applicant is not entitled to claim priority from French Patent Application No. 0405366.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298.

This matter is being referred to Technology Center Art Unit 1648 for appropriate action on the amendment filed April 28, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the prior-filed application.



Boris Milef
Legal Examiner
PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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DK-3050 Humlebaek DK DENMARK

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of :
Thomas Kiib Kristensen et al. :
Application No. 12/083,596 : **DECISION ON PETITION**
Filed: April 15, 2008 :
Attorney Docket No. **2005035-US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 2, 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 April 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and replacement drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3761 for appropriate action by the Examiner in the normal course of business on the reply received.

JoAnne Burke
Petitions Examiner
Office of Petitions



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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

Paper No.

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Patent No. 7621246 :
Issue Date: 11/24/2009 :
Application Number: 12/083622 :
Filing or 371(c) Date: 06/10/2008 :
Attorney Docket Number: 136535 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on October 7, 2010.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

Douglas Wood
Attorney
Office of Petitions



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COMMISSIONER FOR PATENTS
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MAILED

JUL 29 2011

PCT LEGAL ADMINISTRATION

DAVID ROBERT BILLINGS
2302 WAGNER CRESCENT
BURLINGTON ON L7R-1S9
CANADA

In re Application of :
BILLINGS :
Application No.: 12/083,631 :
PCT No.: PCT/CA2006/001733 :
Int. Filing Date: 24 October 2006 :
Priority Date: 28 October 2005 :
For: VALVES CONTROLLING FLOW :

DECISION

This is a decision on applicant's "PETITION FOR REVIVAL..." filed in the U.S. Patent and Trademark Office (USPTO) on 23 February 2011. The petition is **GRANTED**.

A review of the application file reveals that with the filing of the fees for multiple dependent claims, the requirements for revival of the application have been completed.

The application has an international filing date of 24 October 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **16 April 2008**, as set forth in the Notice of Acceptance previously mailed 25 February 2011.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281



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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

In re Application of :
ZWEIG (Deceased) :
Application No.: 12/083,643 :
PCT No.: PCT/US07/040307 :
Int. Filing Date: 14 October 2006 :
Priority Date: 14 October 2005 :
Attorney Docket no.: 11690-003-999 :
For: COMPOSITIONS FOR TREATMENT OF :
PROSTATE INTRAEPITHELIAL NEOPLASIA :

DECISION ON JAN 26 2011
REQUEST PCT LEGAL ADMINISTRATION
UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 12 November 2010. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 14 April 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 14 July 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath and declaration after the thirty month period, was required.

On 12 November 2010, applicant filed a response to the Notification including an executed declaration and the surcharge.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration submitted on 12 November 2010 is executed by Elisabeth Zweig identifying her as the legal representative of the deceased inventor. However, the declaration fails to state the country of citizenship, residency and mailing address for both the deceased inventor and his legal representative. The declaration as submitted does not meet the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

What is required is a declaration executed by Elisabeth Zweig, which identifies her as legal representative for deceased inventor Jack I. Zwieg, provides the legal representative's

citizenship, residency and mailing address and identifies the deceased inventor, providing his citizenship, former residency and mailing address on the declaration. Any person acting as a legal representative of a deceased or incapacitated inventor should ensure that he is properly acting in such capacity.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 10 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

PCT LEGAL ADMINISTRATION

In re Application of	:	
ZWEIG (Deceased)	:	DECISION ON
Application No.: 12/083,643	:	
PCT No.: PCT/US07/040307	:	REQUEST
Int. Filing Date: 14 October 2006	:	
Priority Date: 14 October 2005	:	UNDER 37 CFR 1.42
Attorney Docket no.: 11690-003-999	:	
For: COMPOSITIONS FOR TREATMENT OF	:	
PROSTATE INTRAEPITHELIAL NEOPLASIA	:	

This is a decision on applicant's renewed request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 07 March 2011.

BACKGROUND

On 14 April 2008, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 14 July 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath and declaration after the thirty month period, was required.

On 12 November 2010, applicant filed a response to the Notification including an declaration and the surcharge.

On 26 January 2011, a decision dismissing applicant's request under 37 CFR 1.42 was mailed.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 07 March 2011 is executed by Elisabeth Zweig identifying her as the legal representative of the deceased inventor. The declaration states the country of

citizenship, residency and mailing address for both the deceased inventor and his legal representative and meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declaration executed by the legal representative for deceased inventor submitted on 07 March 2011 is accepted as a proper declaration under 37 CFR 1.497(a) and (b) and 1.42.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 March 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



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**ARCHER & GREINER, P.C.
JOHN F. LETCHFORD
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033**

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Gálvan Cázares et al.	:	DECISION ON PETITION
Application No. 12/083,654	:	TO WITHDRAW
Filed: July 9, 2009	:	FROM RECORD
Attorney Docket No. CON259.10002	:	

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 3, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, a Notice of Allowance was mailed August 6, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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P.O. BOX 3000
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OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Galván Cázares et al.	:	DECISION ON PETITION
Application No. 12/083,667	:	TO WITHDRAW
Filed: April 16, 2008	:	FROM RECORD
Attorney Docket No. CON259.10001	:	

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 3, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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**ARCHER & GREINER, P.C.
JOHN F. LETCHFORD
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033**

**MAILED
JAN 14 2011
OFFICE OF PETITIONS**

In re Application of :
Galván Cázares et al. :
Application No. 12/083,667 : **DECISION ON PETITION**
Filed: April 16, 2008 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. CON259.10001 :
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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).

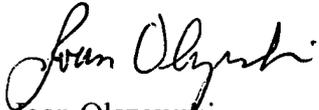
The request was signed by John F. Letchford on behalf of all attorneys of record who are associated with Customer Number 41716.

All attorneys/agents associated with the Customer Number 41716 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 January 7, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sergio Omar Galván Cázares
Martires de la Conquista #26
Col. Tacubaya, México D.F. CP 11870 Mexico



**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

**MAILED
JUL 19 2011
OFFICE OF PETITIONS**

In re Application of :
Miles Blackwood :
Application No. 12/083,700 : **DECISION ON PETITION**
Filed: February 20, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 07, 2011, to revive the above-identified application.

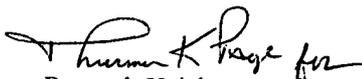
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 06, 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 07, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of July 06, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2856 for appropriate action on the concurrently filed amendment.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Galván Cázares et al.	:	DECISION ON PETITION
Application No. 12/083,724	:	TO WITHDRAW
Filed: July 9, 2009	:	FROM RECORD
Attorney Docket No. CON259.10003	:	

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 3, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed August 30, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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P.O. BOX 3000
HADDONFIELD NJ 08033**

**MAILED
JAN 14 2011
OFFICE OF PETITIONS**

In re Application of :
Galván Cázares et al. :
Application No. 12/083,724 :
Filed: July 9, 2009 :
Attorney Docket No. CON259.10003 :

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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).

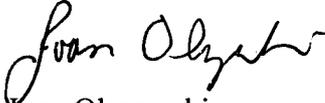
The request was signed by John F. Letchford on behalf of all attorneys of record who are associated with Customer Number 41716.

All attorneys/agents associated with the Customer Number 41716 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 August 30, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sergio Omar Galván Cázares
Martires de la Conquista #26
Col. Tacubaya, México D.F. CP 11870 Mexico



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/083,727	04/17/2008	Hidekazu Toyobuku	Q107527	2065

EXAMINER	
WHITEMAN, BRIAN A	

ART UNIT	PAPER NUMBER
1635	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

23373 7590 10/15/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

- sughrue@sughrue.com
- PPROCESSING@SUGHRUE.COM
- USPTO@SUGHRUE.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

07 Oct 2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: Toyobuku *et al.*
Application No.: 12083727

Filed: 17 April 2008

Attorney Docket No.: Q107527

For: CARRIER COMPOSITION FOR
NUCLEIC ACID TRANSPORT

DECISION ON PETITION TO
ACCEPT COLOR DRAWINGS

This is in response to applicant's petition filed 17 April 2008 under 37 C.F.R. 1.84 to use color drawings in the application is noted. Applicant has (A) paid the appropriate petition fee; (B) provided copies of formal color drawings; (C) the black and white photocopy of the drawings in the image file wrapper will suffice for 37 C.F.R. 1.84(a)(2)(iii); and (D) the specification contains appropriate language at page 8, paragraph 19 for incorporation of color drawings under 37 C.F.R. 1.84(a)(2)(iv).

Applicant's petition is GRANTED.

Questions with regard to this letter should be directed to the undersigned as indicated below.

/ Christopher S. F. Low /

Christopher S. F. Low
Supervisory Patent Examiner
TC 1600, Art Unit 163X (571) 272-0951
Christopher.low@uspto.gov

07 Oct 2010



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of :
Markus Uber :
Application No. 12/083,801 : DECISION GRANTING PETITION
Filed: April 18, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 66234-748704 :
(002000US) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 9, 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 29, 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 2884 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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DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED

DEC 09 2011

PCT LEGAL ADMINISTRATION

In re Application of: :
KRAMANN, Bernhard : DECISION ON PETITION UNDER
U.S. Application No.: 12/083,804 : 37 CFR 1.181
PCT No.: PCT/DE2006/001847 :
International Filing Date: 19 October 2006 :
Priority Date: 20 October 2005 :
Attorney's Docket No.: 4119-PAT :
For: STENT FOR TEMPORARY :
FITTING IN A BODY CAVITY :

This decision is issued in response to the "Petition for Revival of an Application for Patent Due to USPTO Error" filed on 30 November 2011, treated herein as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 19 October 2006, applicants filed international application PCT/DE2006/001847. The international application claimed a priority date of 20 October 2005, and it designated the United States. On 26 April 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 April 2008.

On 18 April 2008, applicants filed a Form PTO-1390 Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 25 August 2008, applicants filed a second Form PTO-1390 Transmittal Letter accompanied by, among other materials, an English translation of the international application and payment of the \$130 processing fee for filing the English translation later than thirty months after the priority date.

On 10 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an English translation of the international application.

On 25 February 2010, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application as abandoned for failure to respond to the Notification Of Missing Requirements mailed on 10 June 2009.

On 30 November 2011, applicant filed the "Petition for Revival of an Application for Patent Due to USPTO Error" considered herein as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

DISCUSSION

The present petition argues that the holding of abandonment was improper because the English translation of the international application required by the "Notification Of Missing Requirements" had been previously filed herein on 25 August 2008. The petition includes a copy of a return postcard itemizing the English translation that bears a USPTO receipt stamp dated 25 August 2008.

A review of the application file confirms that an English translation of the international application was filed herein on 25 August 2008 and is present in the application file (the submission was accompanied by payment of the processing fee for filing the English translation later than thirty months after the priority date). In view of the above, the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 10 June 2009, which required submission of an English translation even though such a translation had previously been submitted, was issued in error and is hereby appropriately vacated.

The holding of abandonment set forth in the Notification Of Abandonment mailed on 25 February 2010, based as it was on the failure to respond to the vacated Notification Of Missing Requirements, is appropriately withdrawn, as requested by applicant in the present petition.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed on 25 February 2010 and the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 10 June 2009 are hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 August 2008.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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September 27, 2011

Leydig, Voit & Mayer, Ltd. (Frankfurt office)
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

In re Application of :
Koehler-Guenther, Angela : **DECISION ON PETITION**
Application No. 12/083,805 :
Filed: 04/18/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No.81170 : **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 18, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

07 SEP 2010

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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of	:	
LUO et al.	:	DECISION ON PETITION
Application No.: 12/083,853	:	
PCT No.: PCT/CN06/00476	:	UNDER 37 CFR 1.182
Int'l Filing Date: 23 March 2006	:	
Priority Date: 21 October 2005	:	
Attorney Docket No.: 2250.34WOUS	:	
For: A COMMUNICATION SYSTEM AND A	:	
COMMUNICATION METHOD	:	

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 07 July 2010 to correct the international application.

On 18 April 2008, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/083,853. However, the international application PCT/CN05/00476 was indicated on the transmittal letter; while the PCT application number PCT/CN06/00476 was identified on the specification.

Thereafter on 27 June 2008, applicant filed a declaration which identified PCT/CN06/00476. On 12 May 2010, a Notification was mailed to applicant indicating the discrepancy between the international application numbers.

On 07 July 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/CN06/00476 on the national stage papers filed on 18 April 2010 is **GRANTED**. The \$400 petition fee was paid.

The USPTO records will identify the present application 12/083,853 as the national stage of PCT/CN06/00476.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286



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UNITED STATES DEPARTMENT OF COMMERCE
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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application number 12/083,859, inventor Rakesh Ratnam, and examiner HENRY, MICHAEL C.

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. [x] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell (handwritten signature)

Patent Publication Branch
Office of Data Management



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Alexandria, VA 22313-1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of :
Thomas Belling, et al. :
Application No. 12/083,875 : DECISION GRANTING PETITION
Filed: April 21, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1454.1976 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 10, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 1, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2476 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.*



27476
NOVARTIS VACCINES AND DIAGNOSTICS INC.
Intellectual Property - X100B
P.O. Box 8097
Emeryville, CA 94662-8097

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BARNETT *et al* :
U.S. Application No.: 12/083,905 :
PCT No.: PCT/US2006/041023 :
Int. Filing Date: 17 October 2006 :
Priority Date: 17 October 2005 :
Attorney Docket No.: PP028167.0004 :
For: MULTICLADE HIV VACCINES :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 08 November 2010.

BACKGROUND

On 07 July 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 08 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, a declaration executed on behalf of the nonsigning inventor.

DISCUSSION

Items (1) and (2) of 37 CFR 1.47(a) were completed in the initial petition.

In the renewed petition, the 37 CFR 1.47(a) applicants state that the "last known actual physical address" of Dr. GOMEZ-ROMAN is:

Tøndergade 12, 4th
Copenhagen 1752V
Denmark

This response satisfies item (3) of 37 CFR 1.47(a).

With regards to item (4), the 37 CFR 1.47(a) applicants provided complete copies of the declarations executed by the four inventors on behalf of the nonsigning inventor. The declaration also lists the citizenship of the nonsigning inventor, Dr. GOMEZ-ROMAN as required.

This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A). Item (4) of 37 CFR 1.47(a) is also satisfied.

All requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is GRANTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 October 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 08 November 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



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Victor Raul Gomez-Roman
Tøndergade 12, 4th
Copenhagen 1752V
Denmark

In re Application of
BARNETT *et al*
U.S. Application No.: 12/083,905
PCT No.: PCT/US2006/041023
Int. Filing Date: 17 October 2006
Priority Date: 17 October 2005
Attorney Docket No.: PP028167.0004
For: MULTICLADE HIV VACCINES

MAILED

JAN 7 2 2011

PCT LEGAL ADMINISTRATION

Mr. Gomez-Roman:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

NOVARTIS VACCINES AND DIAGNOSTICS INC.
Intellectual Property - X100B
P.O. Box 8097
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

DEC 14 2010

In re Application of
Baldemaier et al
Application No.: 12/083,911
PCT No.: PCT/EP2006/010162
Int. Filing Date: 21 October 2006
Priority Date: 21 October 2005
Attorney's Docket No.: 2380-182
For: TECHNIQUE FOR PERFORMING...
INTERFACE

:
:
: DECISION ON **PCT LEGAL ADMINISTRATION**
:
: PETITION
:
: UNDER 37 CFR 1.181
:
:

This decision is in response to the "Request for Correction of Filing Receipt," filed on 07 January 2010, which is being treated as a petition under 37 CFR 1.181 to correct the date of the filing receipt.

BACKGROUND

On 21 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an English translation of the international application. However, no executed oath or declaration was filed on such date.

On 27 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905),) which informed applicants, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 27 March 2009, applicants filed an improper composite declaration as two sheets of page 2 and one sheet of page 1 were filed.

On 10 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) date and that the date of completion of all 35 U.S.C. 371 is 27 March 2009, and a filing receipt indicating a date of 3/27/2009.

On 07 January 2010, applicants submitted the present petition indicating that the filing date should read April 21, 2008 rather than March 27, 2009 as indicated in the Filing Receipt.

DISCUSSION

The "Application Filing Date" filed formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Note MPEP 1893.03(b).

A review of the file reveals that applicants commenced national stage processing on 21 April 2008 as this is the date that applicants paid the basic national fee and submitted a transmittal letter under 35 USC 371 but no executed declaration or oath was filed on such date.

However, a review of the executed declaration filed on 27 March 2009 shows that it is defective because it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of two sets of declarations, which one is incomplete because each set must be complete by having the correct number of pages and listing all the inventors. In this case, only one set is complete because it comprises of two (2) pages of the declaration. The second set is incomplete because it only contains page 2 and does not have page 1 of the executed declaration. Therefore, the composite Declaration is incomplete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 22 May 2009 was in **ERROR** and is hereby **VACATED**.

Thus, the executed declaration filed on 27 March 2009 is improper and a proper executed composite declaration is required.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 22 May 2009 is **VACATED** with the mailing of this decision.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within **ONE (1) MONTH** from the mail date of this decision or within the time limit in the response set forth in the Notification of Missing Requirements, whichever is longer. The period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a). Failure to respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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ARLINGTON VA 22203

MAILED

FEB 22 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
Baldemaier et al	:	
Application No.: 12/083,911	:	DECISION ON
PCT No.: PCT/EP2006/010162	:	
Int. Filing Date: 21 October 2006	:	RENEWED PETITION
Priority Date: 21 October 2005	:	
Attorney's Docket No.: 2380-182	:	UNDER 37 CFR 1.181
For: TECHNIQUE FOR PERFORMING...	:	
INTERFACE	:	

This decision is responsive to applicants' "RESPONSE TO DECISION ON APPLICANTS' DECLARATION OF INVENTORS" filed on 17 December 2010, which is being treated as a petition under 37 CFR 1.181 requesting the acceptance of the executed declaration.

BACKGROUND

In a decision from this Office on 14 December 2010, the decision indicated that Notice Of Acceptance (PTO/DO/EO/903) mailed on 22 May 2009 was in error and vacated as the declaration filed on 27 March 2009 was an incomplete set.

On 17 December 2010 applicants filed a renewed petition under 37 CFR 1.181, which included a proper executed set of declarations.

DISCUSSION

The declarations filed on 17 December 2010 is a properly executed composite declaration that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a new PCT/EO/DO/ form 903.

The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **17 December 2010**.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

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01 OCT 2010

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Molex Incorporated
2222 Wellington Court
Lisle, IL 60532

In re Application of	:	
MATSUMOTO <i>et al</i>	:	
Application No.: 12/083,955	:	
PCT No.: PCT/IB2006/004230	:	
Int. Filing Date: 24 October 2006	:	DECISION
Priority Date: 24 October 2005	:	
Atty. Docket No.: A6-090 US	:	
For: CARD CONNECTOR WITH	:	
EJECTION DAMPER	:	

This decision is in response to the "RENEWED PETITION UNDER 37 CFR 1.182" filed in the USPTO on 29 June 2010. The petition is **GRANTED** as discussed below.

On 06 May 2010, this Office mailed a Decision which dismissed applicants request for a change in the name of the third named inventor from Yuko Watanabe, as set forth in the international application, to Yuko Takeuchi, as set forth on the declaration of the inventors filed 23 September 2009. The petition was dismissed on the grounds that applicants failed to submit the requisite statement from inventor Takeuchi and the requisite petition fee of \$400.

On 29 June 2010, applicants filed the present renewed petition, accompanied by the requisite petition fee and the requisite statement from inventor Takeuchi.

In view of the renewed petition, the declaration may now properly be accepted, and the application now satisfies the requirements for entry into the national stage under 35 U.S.C. 371.

The application has an international filing date of 24 October 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **23 September 2009**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.


 Richard R. Cole
 Senior PCT Legal Examiner
 Office of PCT Legal Administration

(571) 272-3281



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DEC 02 2010

PCT LEGAL ADMINISTRATION

BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

In re Application of	:	
Humbel	:	
Application No. 12/083,966	:	
PCT No.: PCT/CH2006/000586	:	
Int. Filing Date: 21 October 2006	:	DECISION
Priority Date: 23 October 2005	:	
Atty. Docket No.: 7149/PCT	:	
For: Multimedia (VO) IP Solution	:	
For Mobile Telephones	:	

This is in response to the renewed request for withdrawal as attorney or agent filed on 17 November 2010.

DISCUSSION

Counsel seeks withdrawal from the representation of "all the practitioners of record," and cites 37 CFR 10.40(c)(1)(vi) as the reason for withdrawal.

Counsel has now certified that "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," that "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," and that "I/We have notified the client of any responses that may be due and the time frame within which the client must respond."

The request for withdrawal seeks withdrawal of the practitioners of record, appointed in the declaration and power of attorney filed on 10 August 2009. Based on the totality of the facts presented, it would now be appropriate to grant counsel's request for withdrawal from the representation at this time.

DECISION

The request is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for continued processing, including updating the correspondence address of record.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
Rodrigo Yelin et al. :
Application No. 12/083,978 : NOTICE
Filed: April 23,2008 :
Attorney Docket No. 43659 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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P.O. BOX 16446
ARLINGTON, VA 22215

MAILED
MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
YELIN et al	:	
Application No.: 12/083,978	:	DECISION ON PETITION
Filing Date: October 24, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 43659	:	AND 1.78(a)(6)
	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 23, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed supplemental Application Data Sheet (ADS).

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a 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 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

Although the supplemental ADS does contain a proper reference to the prior applications, the ADS is not signed as required by 37 CFR 1.33 and 10.18. Submission of an ADS with a signed cover letter is not sufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14 (http://www.uspto.gov/forms/sb0014_fill.pdf) which contains an appropriate signature block.

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303



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ARLINGTON, VA 22215

MAILED
JUN 17 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
YELIN et al	:	
Application No.: 12/083,978	:	DECISION ON PETITION
Filing Date: October 24, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 43659	:	AND 1.78(a)(6)
	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed Application Data Sheet (ADS).

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a 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 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The ADS filed with the renewed petition is not titled in accordance with 37 CFR 1.76(c)(2).

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either a proper ADS (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
Legal Examiner
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ARLINGTON, VA 22215

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JUL 19 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
YELIN et al	:	
Application No.: 12/083,978	:	DECISION ON PETITION
Filing Date: October 24, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 43659	:	AND 1.78(a)(6)
	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed Application Data Sheet (ADS).

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an application data sheet as provided by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1638 for appropriate action, including consideration by the examiner of the claim for benefit of the prior-filed applications.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303

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

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

MAILED
MAR 25 2011
OFFICE OF PETITIONS

In re Application of :
Arne Aiking et al. :
Application No. 12/083,994 : **DECISION ON PETITION**
Filed: April 23, 2008 : **TO WITHDRAW**
Attorney Docket No. **201167-0001-00-** : **FROM RECORD**
US(422531) :

This is a decision on the petitions filed March 2, 2011, (a) expedite consideration under 37 CFR 1.182, (b) Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b).

The petition under 37 CFR 1.182 is **GRANTED**.

The request under 37 CFR 1.36(b) is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is 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).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

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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**GRIFFITH JOHN E
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
4417 LANCASTER PIKE
WILMINGTON DE 19805**

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Merriman et al. :
Application No. 12/084,024 : **DECISION ON PETITION**
Filed: April 23, 2008 :
Attorney Docket No. PB0195USPCT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee on or before August 16, 2010, as required by the Notice of Allowance and Fee(s) Due mailed May 14, 2010. Accordingly, the date of abandonment of this application is August 17, 2010. A Notice of Abandonment was mailed September 8, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) of the above items.

With regards to item (1), petitioner has failed to pay the issue fee of \$1,510.00 and the publication fee of \$300.00. *See* MPEP 711.03(c)(III)(A)(1). Petitioner has instead filed a Request for Continued Examination (RCE) in response to the Notice of Allowance.

Further, 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of an RCE request without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

Petitioner is advised that, once submitted, the issue fee 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.

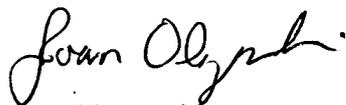
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.



Joan Olszewski
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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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Tomoko Maruyama et al :
Application No. 12/084,032 :
Filed: April 15, 2009 :
Attorney Docket No. SON-3637 :

ON PETITION

This is a decision on the petition, filed July 1, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 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 2871 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/14/11

TO SPE OF : ART UNIT 1728

SUBJECT : Request for Certificate of Correction for Appl. No.: 12084053 Patent No.: 7939208

CofC mailroom date: 11/08/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes in the claims be approved?**

The changes are approved.

*Barbara Gillham
SPE 1727*

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:

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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: _____



1727

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,055	04/24/2008	Minoru Kawasaki	10235/19	4570
23838	7590	09/14/2011	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			CHANG, RICK KILTAE	
			ART UNIT	PAPER NUMBER
			3726	
			MAIL DATE	DELIVERY MODE
			09/14/2011	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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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
<u>KAWASAKI, MINORU</u> , et al.	:	DECISION ON REQUEST TO
Application No. 12/084,055	:	PARTICIPATE IN PATENT
Filed: April 24, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 10235/19	:	PROGRAM AND PETITION
For: METHOD FOR MANUFACTURING	:	TO MAKE SPECIAL UNDER
CAST IRONG MEMBER, CAST IRON	:	37 CFR 1.102(a)
MEMBER AND VEHICULAR ENGINE	:	

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 16, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to David Bryant, SPE of Art Unit 3726, and 571-272-4764 for Class 600 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 30, 2012

TO SPE OF : ART UNIT 3767

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/084152 Patent No.: 8096977

CofC mailroom date: 02-07-10

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**

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.

- | | |
|---|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input checked="" type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: The correction in the Certificate of Correction of February 15, 2012, of the inventor's name to "Masahiro Akiyama" is approved. The correction in the Certificate of Correction of March 20, 2012, of foreign document "JP 2 237 201 A 5/1991" to "GB 2 237 201 A 5/1991" is approved. The correction in the Certificate of Correction of March 20, 2012, of foreign document "JP 2 345 854 A 7/2000" to "GB 2 345 854 A 7/200" is not approved as the correction should be "GB 2 345 854 A 7/2000".

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,280	04/29/2008	Poopathy Kathirgamanathan	LUC-033	6822
	7590	02/18/2011	EXAMINER	
David Silverstein Andover-IP-Law 44 Park Street, Suite 300 Andover, MA 01810			YANG, JAY	
			ART UNIT	PAPER NUMBER
			1786	
			MAIL DATE	DELIVERY MODE
			02/18/2011	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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2/18/2011

wk

Mailed:

In re application of :
Kathirgamanathan et al. : DECISION ON
Serial No. 12/084,280 : PETITION
Filed: April 29, 2008 :
For: ELECTROLUMINESCENT DEVICES :

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on January 18, 2011 to withdraw the final status of the office action dated October 28, 2010. Applicant asserts that the Examiner relied on four newly –cited prior art references that were not necessitated by Applicants’ claim amendments but rather by the Examiner’s failure to fully search the inventions at an earlier stage of prosecution, contrary to the requirements of MPEP Sec. 707.07(g). Applicants filed a Request for Reconsideration of Premature Final Rejection on November 22, 2010; but that Request was refused in the Advisory Action of December 18, 2010.

Applicants filed a response to the non-final office action of April 28, 2010 on July 30, 2010. Applicants amended independent claim 54 and added new claims 74-79. The previous office action rejected claims 54-56 and 60-73 under 35 USC 102(b) as being anticipated by Liao ‘235 and claims 57-59 were rejected under 35 USC 103(a) over Liao ‘235 in view of Kathirgamanathan ‘708. Applicants argued that the rejections have been overcome by the amendment of claim 54.

Upon submission of Applicant’s amendment to claim 54, the Examiner withdrew the previous rejections and then rejected claims 75-78 under 35 USC 112, second paragraph and applied a new 35 U.S.C. 103 rejection to claims 54-56, 60-74, and 79 and another new 35 U.S.C. 103 rejection to claims 57-59 and to claims 74 and 75.

Applicants assert that the set of amended claims filed with Applicants’ Amendment clarified the scope of independent Claim 54 and this added recitation merely clarified an invention embodiment that was already within the scope of claim 54. The additional limitation regarding the position/incorporation of an electron-transporting layer based on the position of the reflectivity-influencing layer was not previously presented in the claims.

A second or any subsequent action on the merits in any application should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. However, note that an Examiner cannot be expected to foresee whether or how an Applicant will amend a claim to overcome a rejection except in very limited circumstances (e.g., where the Examiner suggests how applicant can overcome a rejection under 35 U.S.C. 112, second paragraph).

Once a final rejection that is not premature has been entered in an application, Applicants no longer have any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b). Amendments filed after the date of filing an appeal may be entered if the amendment complies with 37 CFR 41.33. See MPEP § 1206.

DECISION

The petition for withdrawal of finality is DENIED.

/SHARON GIBSON/
Sharon A. Gibson, Director
Technology Center 1700
Chemical and Materials Engineering

David Silverstein
Andover-IP-Law
44 Park Street, Suite 300
Andover MA 01810



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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
MAR 29 2012
OFFICE OF PETITIONS

In re Application of :
Boris Tabakoff et al. : **DECISION ON PETITION**
Application No. 12/084,306 :
Filed: March 2, 2009 :
Attorney Docket Number: **643892000100** :

This is a decision on the petition filed March 7, 2012 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

A Notice to File Corrected Application Papers was mailed December 8, 2011 which set a non-extendable period of two months for reply. No response having been filed, this application became abandoned February 9, 2012 and accordingly, a Notice of Abandonment was mailed February 28, 2012.

All requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	"6070528".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/05 14:01
S2	2	"6631676".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/05 14:02
S3	2	"5155599".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/05 14:03
S4	2	"5884013".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/05 15:56
S5	2	"4852485".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/05 15:59
S6	1	gb-1567698-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 09:58
S7	0	de-202004015497.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:03

EAST Search History (Prior Art)

S8	1	de-202004015497-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:03
S9	1	wo-2005097501-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:19
S10	1	de-2737995-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:21
S11	1	GB-1581551-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:28
S12	0	jp-0952341-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:29
S13	0	jp-200952341-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:29
S14	2	jp-09052341-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:29

EAST Search History (Prior Art)

S15	2	wo-9605966-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 10:31
S16	16	("1604082" "3661575" "4729310" "5154121" "5658964" "5718171").PN. OR ("6070528").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/14 11:40
S17	5	S16 and cell	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/14 12:44
S18	1	wo-2005097501-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 17:03
S19	2	"6931991".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/14 17:06
S20	2	"5583647".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 10:41
S21	125	101/478.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 10:50
S22	21	("3455239" "3589289" "3636251" "3678852" "4181077" "4405709" "4729310" "5072671" "5126531" "5140901" "5278027" "5291827" "5370052" "5468568" "5612713").PN. OR ("6631676").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/18 11:44

EAST Search History (Prior Art)

S23	0	101/478.ccls. and laser with overlap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:39
S24	1	101/478.ccls. and laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:39
S25	0	101/478.ccls. and raster with overlap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:40
S26	47	101/478.ccls. and density	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:42
S27	41	101/478.ccls. and density and laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:42
S28	2	101/478.ccls. and density and laser and cell	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:42
S29	5	101/478.ccls. and pixel and density	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:43

EAST Search History (Prior Art)

S30	37	101/478.ccls. and resolution	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 13:46
S31	317	101/150.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:06
S32	100	101/151.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:06
S33	412	101/152.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:06
S34	475	101/153.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:06
S35	0	101/150-170,395,	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:07
S36	4847	101/150-170,395.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:07

EAST Search History (Prior Art)

S37	3859	101/401.1-401.6.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:09
S38	2542	101/401.1.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:10
S39	653	S37 and S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:10
S40	8053	S37 or S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:10
S41	5	S40 and laser with intensity with (constant or even or uniform)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:12
S42	8	S40 and laser with (intensity or strength or concentrated or concentration) with (constant or even or uniform)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:14
S43	5	S40 and laser with (power or intensity or strength or concentrated or concentration) with (constant or even or uniform) not (S41 and S42)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:18

EAST Search History (Prior Art)

S44	2	S40 and laser with (power or intensity or strength or concentrated or concentration) with (constant or even or uniform) not (S41 or S42)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 14:18
S45	36	S40 and (track or raster or line or row or pixel) with (overlap\$4 or superimpos\$3) and laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/18 14:38
S46	2	"5884013".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:04
S47	24	("3742129" "3922484" "5155598").PN. OR ("5884013").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/18 15:04
S48	24	("3742129" "3922484" "5155598").PN. OR ("5884013").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/18 15:34
S49	7	gravure and laser with uniform near (intensity or concentration)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:50
S50	24250	laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:52
S51	2398	print and laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:52

EAST Search History (Prior Art)

S52	248	print and (filler) and laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:53
S53	14	print and (filler near material) and laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:53
S54	91	"101"/\$.ccls. and laser with uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:53
S55	3	"101"/\$.ccls. and laser with uniform near5 (intensity or concentration or strength)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:57
S56	14	"101"/\$.ccls. and laser with (uniform or even or distribut\$3) near5 (intensity or concentration or strength)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 15:58
S57	3779	uniform with intensity with laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:01
S58	0	(uniform with intensity with laser) same (cross sdj section)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:02

EAST Search History (Prior Art)

S59	350	(uniform with intensity with laser) same (cross adj section)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:02
S60	277	(uniform with intensity with laser) same (cross adj section) and (sleeve or form or gravure or press)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:02
S61	525	(ablat\$4 or ablas\$4) and laser with (uniform or even or constant) with (intensity or strength or concentration or concentrated) same (beam or (cross adj section)) and (sleeve or form or gravure or press)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:06
S62	188	(ablat\$4 or ablas\$4) and laser with (uniform or even or constant) with (intensity or strength or concentration or concentrated) same (beam or (cross adj section)) and (print or gravure or lithographic or offset)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:07
S63	14546	(gravure and laser)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:08
S64	84	(gravure near form and laser)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:08
S65	84	(gravure near form) and laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:09

EAST Search History (Prior Art)

S66	5	(gravure or lithographic or (offset near printing)) same laser with (uniform or constant) near intensity	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:23
S67	151	laser same uniform near intensity and etch	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:32
S68	1	(laser with etch) same homogenizer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:52
S69	1151	beam near homogenizer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:53
S70	348	(beam near homogenizer) and (etch or engrave or ablate or ablation)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:53
S71	282	(beam near homogenizer) and (etch or engrave or ablate or ablation) and uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:54
S72	2015	laser same gaussian same uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:57

EAST Search History (Prior Art)

S73	16	gravure and (laser same gaussian same uniform)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/18 16:57
S74	4847	101/150-170,395.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:22
S75	3859	101/401.1-401.6.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:22
S76	8053	S75 or S74	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:22
S77	2	S76 and gravure and laser with gaussian	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:22
S78	7	S76 and gravure and gaussian	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:22
S79	0	S76 and beam with homogen\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:26

EAST Search History (Prior Art)

S80	2985	S76 and (beam with (homogenizer or homogeneous)) or (laser with (constant or uniform\$3) near (intensity or strength))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:28
S81	2985	S76 and (beam near(homogenizer or homogeneous)) or (laser with (constant or uniform\$3) near (intensity or strength))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:28
S82	0	S76 and (laser with (constant or uniform\$3) near (intensity or strength))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:28
S83	4	S76 and (laser with (constant or uniform\$3) with (intensity or strength))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:29
S84	70	gravure and (laser with (constant or uniform\$3) with (intensity or strength))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:31
S85	17	gravure and (beam near(homogenizer or homogeneous))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:37
S86	158	gravure and laser near5 uniform	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:39

EAST Search History (Prior Art)

S87	22	gravure and laser near5 uniform and gaussian	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:39
S88	22	gravure and (laser near5 uniform) and gaussian	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:41
S89	34	gravure and (laser with uniform) and gaussian	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:42
S90	12	gravure and (laser with uniform) and gaussian not S88	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 08:42
S91	0	(09/859170).APP.	USPAT; USOCR	ADJ	OFF	2011/04/19 08:47
S92	0	(09/859170).APP.	USPAT; USOCR	ADJ	OFF	2011/04/19 08:48
S93	3	"7116346".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/19 10:16
S94	3	("6042217" "6559880" "6662720").PN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 10:17
S95	46	external near drum near exposer	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 10:17
S96	45	"external drum exposer"	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 10:17
S97	24	"external drum exposer" and parallel	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 10:19

EAST Search History (Prior Art)

S98	2082	(lithograph\$2 or gravure) and (beam or laser) with overlap	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:07
S99	671	(lithograph\$2 or gravure) and (beam or laser) with overlap and pixel	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:08
S10 0	399	(lithographic or gravure) and (beam or laser) with overlap and pixel	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:09
S10 1	1595	(offset or gravure) and (beam or laser) with overlap and pixel	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:18
S10 2	13	("3725574").PN. OR ("4566042").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:19
S10 3	24	("3742129" "3922484" "5155598").PN. OR ("5884013").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:51
S10 4	60	("20030043273" "20040125209" "20090052879" "3943563" "4000239" "4253476" "4488563" "4534142" "4819395" "4937676" "4987030" "5148534" "5206919" "5318370" "5398131" "5477264" "5613175" "5621868" "5679456" "5696892" "5706049" "5755519" "5757388" "5824410" "5825882" "5847836" "5866253" "5884013" "5896176" "5909248" "5914748" "5966134" "5999190" "5999203" "6006039" "6011536" "6020931" "6033137" "6034740" "6052648" "6084713" "6094221" "6141431" "6201571" "6211911" "6227643" "6229565" "6278486" "6317156" "6317192" "6334587" "6472052" "6530519" "6773874" "6913875" "7063940" "7186499" "7291447" "7525687" "7654626").PN. OR ("7924313").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 11:51
S10 5	2	stochastic with raster and gravure	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 12:31
S10 6	39	stochastic with raster	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 12:32
S10 7	13	stochastic with raster and moire	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/19 12:32

EAST Search History (Prior Art)

S10 8	4847	101/150-170,395.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:14
S10 9	3859	101/401.1-401.6.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:14
S11 0	8053	S109 or S108	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:14
S11 1	0	S110 and "10.sup.4" near "cm.sup.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:14
S11 2	1	S110 and "10.sup.6" near "cm.sup.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:14
S11 3	0	S110 and "cm.sup.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:19
S11 4	111	S110 and "cm.sup.2"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:19

EAST Search History (Prior Art)

S11 5	0	S110 and "cm.sup.2" lines	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:19
S11 6	54	S110 and "cm.sup.2" and lines	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:19
S11 7	3	S110 and "cm.sup.2" and lines and pixel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:19
S11 8	51	S116 not S117	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:20
S11 9	0	(greater or more) near than near "1000" near lines with cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:29
S12 0	0	S110 and ((greater or more) near2 "1000" near2 line with cm)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:30
S12 1	0	S110 and ((greater or more) near2 line near per near cm)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:31

EAST Search History (Prior Art)

S12 2	2	gravure and ((greater or more) near2 line near per near cm)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:31
S12 3	2	\$gravure and ((greater or more) near2 line near per near cm)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:31
S12 4	4000	\$gravure and high near resolution	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:32
S12 5	240	\$gravure and high near resolution and lines near per	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:32
S12 6	57	\$gravure and high near resolution and lines near2 cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:32
S12 7	1	\$gravure and "1000" near lines/cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:34
S12 8	0	\$gravure and "1000" near lines nearcm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:35

EAST Search History (Prior Art)

S129	4	\$gravure and "1000" near lines near cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:35
S130	6	\$gravure and "1000" near lines near2 cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:36
S131	377	\$gravure and lines near2 cm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:37
S132	49	\$gravure and lines near2 cm and pixel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 08:37
S133	0	(10/895555).APP.	USPAT; USOCR	ADJ	OFF	2011/04/20 08:38
S134	2	"2149487".pn.	USPAT; USOCR	ADJ	OFF	2011/04/20 08:40
S135	1	"4013831".pn.	USPAT; USOCR	ADJ	OFF	2011/04/20 08:41
S136	2	"20040232108".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 08:42
S138	0	de-2111628.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:07

EAST Search History (Prior Art)

S13 9	1	de-2111628-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:07
S14 0	6	\$.-1369230-\$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:08
S14 1	1607	\$gravure and laser same resolution	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:10
S14 4	0	\$gravure and laser same resolution line near2 (cm or inch)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:10
S14 5	63	\$gravure and laser same resolution and line near2 (cm or inch or in)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/20 09:11
S14 6	294	\$gravure and laser same resolution and line near2 (cm or inch or in)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:11
S14 7	217	\$gravure and laser same resolution and line near2 (cm or inch)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:11

EAST Search History (Prior Art)

S148	154	\$gravure and laser same resolution and "lines per"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:14
S149	1004	101/170.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:30
S150	5	S149 and \$gravure and laser with (uniform or constant)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:31
S151	4	S149 and homogenize\$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:33
S152	1	S149 and homogenize\$1 and laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:34
S153	0	S149 and homogenize\$1 same laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:34
S154	0	S149 and homogenize\$1 same laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:34

EAST Search History (Prior Art)

S15 5	4496	homogenize\$1 same laser	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:34
S15 6	185	homogenize\$1 same laser and \$graveure	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:34
S15 7	65	homogenize\$1 and \$graveure and (laser with (uniform or constant))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:35
S15 8	10	homogenize\$1 and \$graveure and (laser with (uniform or constant)) and ablat\$	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/04/20 09:37



Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
O'CONNOR, et al.	:	
U.S. Application No.: 12/084,411	:	DECISION ON PETITION
PCT No.: PCT/US2006/043001	:	
Int. Filing Date: 02 November 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 02 November 2005	:	
Attorney Docket No.: MSW-5251 [81721 (303989)]	:	
For: PYRROLO[2,1-F] [1,2,4] TRIAZIN-4-YLAMINES :	:	
IGF-1R KINASE INHIBITORS FOR THE	:	
TREATMENT OF CANCER AND OTHER	:	
HYPERPROLIFERATIVE DISEASES	:	

This decision is in response to applicant's petition under 37 C.F.R. 1.47(a) filed 02 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 November 2006, applicant filed international application PCT/US2006/043001 which claimed priority to an earlier application filed 02 November 2005. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 02 May 2008.

On 30 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 02 April 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 02 November 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the appropriate extension of time fee. Applicant's response is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 02 November 2006 under 35 U.S.C. 363, and will be given a date of **02 November 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Barton Philips
498 Whitney Avenue, Apt. 3D
New Haven, CT 06511

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
O'CONNOR, et al.
U.S. Application No.: 12/084,411
PCT No.: PCT/US2006/043001
Int. Filing Date: 02 November 2006
Priority Date: 02 November 2005
Attorney Docket No.: MSW-5251 [81721 (303989)]
For: PYRROLO[2,1-F] [1,2,4] TRIAZIN-4-YLAMINES
IGF-1R KINASE INHIBITORS FOR THE
TREATMENT OF CANCER AND OTHER
HYPERPROLIFERATIVE DISEASES

Dear Mr. Philips:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:

Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
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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
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Mordechai DEUTSCH :
Application No. 12/084,462 : DECISION ON PETITION
Filed: May 01, 2008 :
Attorney Docket No. 43858 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 23, 2010 which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay. Accordingly, the reply to the restriction requirement of February 23, 2010 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the petition.

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 or authorization of agent to prosecute the application. If the person signing the 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 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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1657 for appropriate action on the concurrently filed election.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **JASON ROSENBLUM**
111 HICKS STREET
18M
BROOKLYN NY 11201



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

MAILED

JUN 07 2011

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

PCT LEGAL ADMINISTRATION

In re Application of KAASINEN et al. :
Application No.: 12/084,513 : DECISION ON
PCT No.: PCT/FI05/00474 :
Int. Filing: 04 November 2005 : PETITION TO REVIVE
Priority Date: None :
Attorney Docket No.: 879A.0129.U1(US) : UNDER 37 CFR 1.137(b)
For: APPARATUS FOR DETECTING BODY :
CONDITION :

The petition to revive under 37 CFR 1.137(b) filed 22 March 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

Applicant paid the petition fee (\$1620). Applicant provided an executed declaration. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is 22 March 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P. O. BOX 4390
TROY MI 48099-4390

MAILED

OCT 18 2010

PCT LEGAL ADMINISTRATION

In re Application of: DONG, Feng, et al. :
U.S. Application No.: 12/084,514 :
PCT No.: PCT/US2006/042342 :
International Filing Date: 31 October 2006 :
Priority Date: 02 November 2005 :
Attorney's Docket No.: 08029/Dkt05120A :
For: CARBON FRICTION :
MATERIALS :

**DECISION ON PETITION
(37 CFR 1.181)**

This decision is issued in response to applicants' "Petition To Withdraw Requirements For Sequence Listing" filed 11 August 2010, treated herein as a petition under 37 CFR 1.181 to vacate the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 02 April 2010. No petition fee is required.

BACKGROUND

On 31 October 2006, applicants filed international application PCT/US2006/042342. The application claimed a priority date of 02 November 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 May 2008.

On 01 May 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 02 April 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and sequence listing materials in compliance with 37 CFR 1.821-1.825 were required.

On 11 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, and executed declaration, and the "Petition To Withdraw Requirements For Sequence Listing" considered herein. The petition asserts that the application does not include a sequence listing and that the requirement for sequence listing materials should therefore be withdrawn.

On 20 August 2010, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C 371 were completed as of 11 August 2010.

DISCUSSION

Applicant's present petition asserts that the sequence listing requirement set forth in the Notification Of Missing Requirements was inappropriate because the present application does not include a sequence listing. Based on applicants' statements and a review of the application file, it is concluded that the requirement for sequence listing materials was improper. However, as noted above, a Notification Of Acceptance has already been issued herein, confirming that, despite the lack of sequence listing materials, applicants' 11 August 2010 submission was an acceptable response to the Notification Of Missing Requirements. Under these circumstances, the present petition is now moot.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

As indicated in the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 20 August 2010, applicants' response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) filed on 11 August 2010 completed the requirements of 35 U.S.C. 371(c) for the present national stage application.

The application is being referred to Group Art Unit 1786 for examination.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



10 SEP 2010

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of :
ANTIC, et al. : DECISION ON PETITION
Serial No.: 12/084,517 :
PCT No.: PCT/IB2006/003983 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 03 November 2006 :
Priority Date: 08 November 2005 :
Atty Docket No.: 0745/79322/NHZ :
For: BASE STATION SYSTEM PERFORMANCE :
MEASUREMENT SYSTEM IN A GSM RADIO :
COMMUNICATION NETWORK :

This decision is issued in response to applicants' renewed petition under 37 C.F.R. § 1.47(a) filed 19 July 2010 and petition to withdraw holding of abandonment filed 06 August 2010. No petition fees are required.

In a decision dated 16 March 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Udier Davor and Ljubo Jakic, was dismissed without prejudice. The renewed petition under 37 CFR 1.47(a) is moot since the declaration which accompanies the petition has been executed by the previous non-signing inventors. The declaration filed 19 July 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

Applicant's present renewed petition is accompanied by a petition for a two-month extension of time, payment of a two-month extension of time fee and certification under 37 CFR 1.8 that the paper was deposited for mailing on 15 July 2010. The petition is a timely and proper response to the decision mailed 16 March 2010. The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 13 July 2010 was issued prematurely and is hereby **VACATED**.

The application has an international filing date of 03 November 2006 under 35 U.S.C. 363 and a date of **19 July 2010** under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

Application No.: 12/084,517

2

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

A handwritten signature in black ink, appearing to read 'D. A. Putonen', written in a cursive style.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
ALLEN C. TURNER
P.O. BOX 2550
SALT LAKE CITY, UT 84110

PCT
NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION
(PCT Rule 44.1)

Date of mailing (day/month/year) **30 APR 2007**

Applicant's or agent's file reference 2102-6854 IPC	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No PCT/US06/43224	International filing date (day/month/year) 03 November 2006 (03.11.2006)
Applicant CUSTOMS MEDICAL APPLICATIONS, INC	

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
- Filing of amendments and statement under Article 19:**
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
- When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
- Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland. Facsimile No. (41-22) 338 82 70
- For more detailed instructions, see the notes on the accompanying sheet
2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

1 Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis 1 and 90bis 3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Catherine S. Williams <i>Sharon M. Greer</i> Telephone No. 571/2724970
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2102-6854.1PC	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below
International application No PCT/US06/43224	International filing date (<i>day/month/year</i>) 03 November 2006 (03 11 2006)	(Earliest) Priority Date (<i>day/month/year</i>) 08 November 2005 (08 11 2005)
Applicant CUSTOMS MEDICAL APPLICATIONS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1 Basis of the Report

a With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 25.1(b))

b With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. 1

2 Certain **claims were found unsearchable** (See Box No. II)

3 **Unity of invention is lacking** (See Box No. III)

4 With regard to the **title**.

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows.

5 With regard to the **abstract**.

the text is approved as submitted by the applicant

the text has been established, according to Rule 38 2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6 With regard to the **drawings**.

a the figure of the **drawings** to be published with the abstract is Figure No. 5B

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure

as selected by this Authority, because this figure better characterizes the invention.

b none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/43224

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A reinforced medical catheter (10) includes an elongated tubular outer wall reinforced by an internal helical coil spring (36). Successive loops of the coil spring adjoining the distal end are longitudinally separated, and a working lumen extends longitudinally through the catheter. A longitudinally extending reinforcing cable is captured in the tubular outer wall against the exterior of the coil spring. A steering cable operably interconnected with the distal end of the coil spring extends proximally from the distal end of the coil spring freely through the working lumen to the proximal end of the catheter. The reinforcing cable and the steering cable may constitute a continuous elongated filament. Withdrawing the steering cable proximally through the working lumen causes the distal tip of the catheter to be deflected laterally.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/43224

A CLASSIFICATION OF SUBJECT MATTER
 IPC: A61M 31/00(2006.01);A61M 37/00(2006.01)

 USPC: 604/95.04
 According to International Patent Classification (IPC) or to both national classification and IPC

B FIELDS SEARCHED
 Minimum documentation searched (classification system followed by classification symbols)
 U.S. : 604/95.04,524-528

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2005/0209557 A1 (CARROLL et al) 22 September 2005 (22 09 2005); see entire document	1-2
A	US 5,378,234 A (HAMMERSLAG et al) 03 January 1995 (03 01 1995); see entire document	1-27
A	US 4,719,924 A (CRITTENDEN et al) 19 January 1988 (19 01 1988); see entire document	1-27

Further documents are listed in the continuation of Box C See patent family annex

Special categories of cited documents	Y	N	Document description
"A" document defining the general state of the art which is not considered to be of particular relevance			late document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date		X	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claims or which is cited to establish the publication date of another citation or other special reason (as specified)		Y	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means			
"P" document published prior to the international filing date but later than the priority date claimed		X	document member of the same patent family

Date of the actual completion of the international search 01 April 2007 (01 04 2007)	Date of mailing of the international search report 30 APR 2007
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 272-5201	Authorized officer Catherine S. Williams <i>Sharon V. Greenleaf</i> Telephone No. (571) 272-4970

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ALLEN C. TURNER
P.O. BOX 2550
SALT LAKE CITY, UT 84110

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day-month-year) **30 APR 2007**

Applicant's or agent's file reference 2102-6854-1PC		FOR FURTHER ACTION See paragraph 2 below	
International application No PCT/US06/45224	International filing date (day-month-year) 03 November 2006 (03.11.2006)	Priority date (day-month-year) 08 November 2005 (08.11.2005)	
International Patent Classification (IPC) or both national classification and IPC IPC: A61M 31/00(2006 01); A61M 37/00(2006 01) USPC: 604/95 04			
Applicant CUSTOMS MEDICAL APPLICATIONS, INC			

1 This opinion contains indications relating to the following items

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3 For further details, see notes to Form PCT/ISA/220

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 01 April 2007 (01.04.2007)	Authorized officer Catherine S. Williams Telephone No. 571/272-4970
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US06/43224

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of
- the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(c) & d)
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of
- a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No
PCT/US06/43224

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims <u>3-27</u>	YES
	Claims <u>1-2</u>	NO
Inventive step (IS)	Claims <u>3-27</u>	YES
	Claims <u>1-2</u>	NO
Industrial applicability (IA)	Claims <u>1-27</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-2 lack novelty under PCT Article 33(2) as being anticipated by Carroll (US 2005:0209557). Carroll discloses an elongated helical coil, an elongated flexible tube engaging the exterior of the coil and a utility enhancement means operably interconnected with the coil and the flexible tube for deflecting the catheter.

Claims 3-27 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a catheter that includes, among all the limitations, a longitudinally extending reinforcing cable captured against the exterior of the coil spring.

Claims 1-27 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/084,529	Filing date:	September 16, 2008
First Named Inventor:	N. Sandor Racz		

Title of the Invention: **REINFORCED CATHETER WITH ARTICULATED DISTAL TIP**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

PCT/US2006/043224

The corresponding PCT application number(s) is/are:

The international date of the corresponding PCT application(s) is/are:

November 3, 2006

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

Is attached

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

Is attached.

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR
IPEA**
(continued)

Application No.: 12/084,529

First Named Inventor: N. Sandor Racz

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

 Is attached

 Has already been filed in the above-identified U.S. application on May 2, 2008

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

 Are attached.

 Have already been filed in the above-identified U.S. application on May 2, 2008
II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	3	Claim 1 has been amended to include the subject matter of allowable claim 3 of the PCT application
2	4	Claim 2 has been amended to include the subject matter of allowable claim 4 of the PCT application
5	5	Claim 5 has been amended to include the subject matter of allowable claim 5 of the PCT application in independent form
6 through 20	6 through 20	Each of claims 6 through 20 sufficiently corresponds to the allowable claim of the same number in the PCT application
21	21	Claim 21 has been amended to include the subject matter of allowable claim 21 of the PCT application in independent form
22	22	Claim 22 has been amended to include the subject matter of allowable claim 22 of the PCT application in independent form
23	23	Claim 23 sufficiently corresponds to allowable claim 23 of the PCT application
28	24	Claim 28 sufficiently corresponds to allowable claim 24 of the PCT application
29	25	Claim 29 sufficiently corresponds to allowable claim 25 of the PCT application
30	26	Claim 30 sufficiently corresponds to allowable claim 26 of the PCT application
31	27	Claim 31 sufficiently corresponds to allowable claim 27 of the PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Gregory C Baker/

Date October 26, 2011

Name (Print/Typed) Gregory C. Baker

Registration Number 61,335

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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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
DEC 23 2011
OFFICE OF PETITIONS

**In re Application of
N. Sandor Racz
Application No.: 12/084,529
Filed: September 16, 2008
Attorney Docket No.: 2102-6854.1US
For: REINFORCED CATHETER WITH
ARTICULATED DISTAL TIP**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 26, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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MAILED
MAR 28 2011
OFFICE OF PETITIONS

PRATT & WHITNEY
400 MAIN STREET
MAIL STOP: 132-13
EAST HARTFORD CT 06108

In re Application of :
Tulyani, et al. : DECISION GRANTING
Application No. 12/084,607 : PETITION
Filed: May 6, 2008 :
Attorney Docket No. PA-085.11763U :

This is a decision on the petition under 37 CFR 1.183, filed February 14, 2011, to waive § 131's requirement that all of the inventors sign the declaration of prior inventorship.

The petition under 37 CFR 1.183 is GRANTED.

The above-identified application was filed on May 6, 2008. With the application, Applicants submitted a 37 CFR 1.63 declaration signed by all of the inventors. A non-final Office action was mailed on October 14, 2010. This office action set a shortened statutory period for reply of three months.

In response, on February 14, 2011, applicants submitted a reply and a declaration under 37 CFR 1.131. The 37 CFR 1.131 declaration stated that all of the inventors conceived the inventive embodiment of the instant application prior to August 5, 2005.

However, the 37 CFR 1.131 declaration lacked the signature of joint inventor Wen. Applicants have filed the instant petition to have the 37 CFR' 1.131 declaration entered despite the fact that the declaration was not signed by Wen.

37 CFR 1.131 states, in pertinent part:

When any claim of an application or a patent under reexamination is rejected, the **inventor** of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.¹

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."²

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In addition, the instant application is not the subject of a patent under reexamination. Moreover, it has not been shown that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the only party eligible to sign the 37 CFR 1.131 declaration are both of the joint inventors.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The 37 CFR 1.131 declaration was required to be signed by all of the joint inventors. However, only one of the joint inventors has executed the declaration. Applicants have demonstrated that a *bona fide* effort was made to secure the signature of joint inventor Wen, but that no reply was received from Wen after the declaration was mailed to his last known address on January 12, 2011. Accordingly, it is concluded that applicants have demonstrated that this is an extraordinary situation requiring waiver of the rules.

¹ 37 CFR 1.131(a) (emphasis added).

² MPEP 715.04.

The 37 CFR 1.131 declaration will be entered, despite the fact that its requirement that all of the inventors sign the declaration has not been satisfied.

As a petition under 37 CFR 1.183 requires a fee of \$400. Accordingly, an additional \$200 has been charged to Deposit Account No. 21-0279, as authorized.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to Group Art Unit 2857 for consideration of the Amendment and the 37 CFR 1.131 declaration, both filed February 14, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

cc: Carlson, Gaskey & Olds
400 West Maple
Suite 350
Birmingham, MI 48009



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
Koji KAWAI, et al. :
Application No. 12/084,633 : **DECISION GRANTING PETITION**
Filed: June 19, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **0760-0378PUS1** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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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December 21, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of :
Bresler, Tal et al : **DECISION ON PETITION**
Application No. 12/084,654 :
Filed: 05/07/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 43533 : **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 7, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 4/11/2012
Patent No. : 7,829,908 B2
Serial No. : 12/084,679
Inventor(s) : Narui
Issue Date : November 9, 2010
Title : **SOLID-STATE IMAGE SENSORS AND DISPLAY DEVICES
HAVING ANTI-REFLECTION FILMSOLID-STATE IMAGE
SENSORS AND DISPLAY DEVICES HAVING
ANTI-REFLECTION FILM**
File No. : 8069-81102-01/DLS

Re: Consideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error in your request, the requested changes is/are due to errors on the part of the applicant. No fee was associated with your request, therefore, no correction is in order here until the appropriate fee applied.

In view of the foregoing, your request in these matters is/are hereby denied.

Further consideration will be given concerning this matter upon authorization to charge a fee of \$100.00 from your PTO account, and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

KLARQUIST SPARKMAN, LLP
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ECW



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**ARCHER & GREINER, P.C.
JOHN F. LETCHFORD
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033**

**MAILED
OCT 20 2010
OFFICE OF PETITIONS**

In re Application of	:	
Galván Cázares et al.	:	DECISION ON PETITION
Application No. 12/084,710	:	TO WITHDRAW
Filed: February 27, 2009	:	FROM RECORD
Attorney Docket No. CON259.10009	:	

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 3, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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**ARCHER & GREINER, P.C.
JOHN F. LETCHFORD
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033**

**MAILED
JAN 14 2011
OFFICE OF PETITIONS**

In re Application of :
Galván Cázares et al. :
Application No. 12/084,710 : **DECISION ON PETITION**
Filed: February 27, 2009 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. CON259.10009 :
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 John F. Letchford on behalf of all attorneys of record who are associated with Customer Number 41716.

All attorneys/agents associated with the Customer Number 41716 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sergio Omar Galván Cázares
Martires de la Conquista #26
Col. Tacubaya, México D.F. CP 11870 Mexico



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MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of
Sergio Omar GALVAN CAZARES, et al.
Application No. 12/084,746
Filed: April 16, 2009
Attorney Docket No. CON259.10008

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 3, 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 correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been made of record under 37 CFR 3.71.

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-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: CONCRETOS TRANSLUCIDOS SAPI DE CV
MARTIRES DE LA CONQUISTA #26
COL. TACUBAYA MEXICO D.F. 11870 MEXICO



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**ARCHER & GREINER, P.C.
JOHN F. LETCHFORD
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD NJ 08033**

In re Application of	:	
Sergio Omar GALVAN CAZARES, et al	:	
Application No. 12/084,746	:	DECISION ON PETITION
Filed: April 16, 2009	:	TO WITHDRAW
Attorney Docket No. CON259.10008	:	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 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John F. Letchford on behalf of the attorneys of record associated with Customer No. 41716.

The attorneys of record associated with Customer No. 41716 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SERGIO OMAR GALVAN CAZARES
MARTIRES DE LA CONQUISTA #26
COL. TACUBAYA MEXICO D.F. CP 11870, MEXICO



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/084,746	04/16/2009	Sergio Omar Galván Cázares	CON259.10008

CONFIRMATION NO. 2228

POWER OF ATTORNEY NOTICE



41716
ARCHER & GREINER, P.C.
John F. Letchford
ONE CENTENNIAL SQUARE
P.O. Box 3000
HADDONFIELD, NJ 08033

Date Mailed: 01/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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HARNES, DICKEY & PIERCE P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Applicant: Hajime Washio
Appl. No.: 12/084,766
International Filing Date: September 13, 2006
Title: LIQUID CRYSTAL DISPLAY DEVICE AND METHOD FOR DRIVING SAME
Attorney Docket No.: 83993-000028/US
Pub. No.: US 20090115771 A1
Pub. Date: May 7, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 11, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material mistake. Applicant explains that, while the claim set appears to have been published correctly, the wrong specification, figures and abstract were published.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request is untimely, as it is not filed within two months of May 7, 2009, the date of the patent application publication.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No. 12/084,766

§ 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions