

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/084,767	Filing date:	May 9, 2008
First Named Inventor:	Jürgen Alfred STIEL		
Title of the Invention:	PRINTING UNITS COMPRISING SEVERAL PRINTING GROUPS, AND PRINTING TOWER		
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/EFW/EFW_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.			
<p>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.</p>			
<p>The corresponding PCT application number(s) is/are: PCT/EP2007/050894</p>			
<p>The international date of the corresponding PCT application(s) is/are: January 24, 2007</p>			
<p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/PEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input type="checkbox"/> is attached</p> <p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p> <p>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).</p> <p><input type="checkbox"/> is attached</p> <p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p> <p>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.</p>			

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

(continued)

Application No.: 12/084,707

First Named Inventor: Jürgen Alfred STIEL

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

 Is attached Has already been filed in the above-identified U.S. application on May 9, 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 9, 2008**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
174	2	direct correspondence
175	3	U.S. claim amended to remove multiple dependency
176	4	U.S. claim amended to remove multiple dependency
177	21	U.S. claim amended to remove multiple dependency
178	23	U.S. claim amended to remove multiple dependency
179	25	U.S. claim amended to remove multiple dependency
180	27	U.S. claim amended to remove multiple dependency
181	28	U.S. claim amended to remove multiple dependency
182	44	U.S. claim amended to remove multiple dependency
183	54	U.S. claim amended to remove multiple dependency
184	58	U.S. claim amended to remove multiple dependency
185	59	direct correspondence
186	61	direct correspondence
187, 188	62, 63	U.S. claims amended to remove multiple dependency
189	64	direct correspondence
190	66	U.S. claim amended to remove multiple dependency
191	69	direct correspondence
192	70	U.S. claim amended to remove multiple dependency
193	71	direct correspondence

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Date: April 29, 2008

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2007/050694, filed on 1/24/2007 and published on 8/9/2007 under No. WO 2007/088132 A2.

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


Karin T. Dunn

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed 9/28/2007

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 19. The report comprises a total of 6 pages.

1. **Basis of the Report**

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

3. **Lack of unity of the invention** (see Section III).

4. With regard to the **Title of the Invention**:

The wording submitted by the applicant has been approved

5. With regard to the **Abstract**:

The text submitted by the applicant has been approved.

6. With regard to the **Drawings**:

- b. None of the drawings will be published with the abstract.

Box No. III Observations where unity of the invention is lacking (continuation of Item 3 on page 1)

This International Searching Authority found multiple inventions in this international application, as follows:

See attached sheet

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claim Nos.:

1-4, 12-137

The International Searching Authority has determined that this international application contains multiple (groups of) inventions, as follows:

1. Claims: 1-4, 12-137

Positioning of two plate changing devices

2. Claims: 1, 5-7, 12-137

Positioning of the removal plane and the infeed plane of two plate changing devices arranged side by side in a horizontal direction

3. Claims: 8, 10-137

Two plate changing devices in two different circumferential sections

4. Claims: 9-107, 109-137

Ratio of the diameter of a plate cylinder to its satellite cylinder

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43bis.1 PCT)

I. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box III Non-establishment of opinion with regard to novelty, inventive step or industrial applicability

Box IV Lack of unity of the invention

Box V Reasoned statement under Rule 43bis.1(a)(1) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box I Basis of the 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

Box III Non-establishment of opinion with regard to novelty, inventive step or industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

Claim Nos. 5-11

because:

No international search report has been established for the above-named claims 5-11.

Box IV Lack of Unity of the Invention

2. In response to the invitation to pay additional fees (Form PCT/ISA/206), the application paid no additional fees within the stated time limit.
3. This authority considers that the requirement of unity of the invention according to Rule 13.1, 13.2 and 13.3 is not complied with for the following reasons:

See attached sheet

4. Therefore, the opinion has been issued for the following portions of the international application:

Those portions that relate to the claims having the following numbers: 1-4, 12-13, 7

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty Yes: Claims 1, 2-4, 12-137

No: Claims

Inventive Step Yes: Claims 1, 2-4, 12-137

No: Claims

Industrial Applicability Yes: Claims 1, 2-4, 12-137

No: Claims:

2. Citations and Explanations

See attached sheet

**WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(SUPPLEMENTARY TEXT)**

Re Box IV.

The different groups of inventions are:

Claims: 1-4, 12-137

Positioning of two plate changing devices

Claims: 1, 5-7, 12-137

Positioning of the removal plane and the infeed plane of two plate changing devices arranged side by side in a horizontal direction

Claims: 8, 10-137

Two plate changing devices in two different circumferential sections

Claims: 9-107, 109-137

Ratio of the diameter of a plate cylinder to its satellite cylinder

For the following reasons, these groups are not interrelated such that they realize a single, common inventive idea (Rule 13.1 PCT).

The previously published document EP0933208 describes a printing unit (see Fig. 7) with a plurality of printing groups, each with at least one plate cylinder (4, 10), wherein in each case at least one ink forme roller is situated so as to cooperate directly with the plate cylinder (see Figure 7), wherein at least two cylinders are arranged side by side in an at least essentially horizontal direction, wherein in each case an additional cylinder is situated so as to cooperate directly with the plate cylinder. The cylinder (4) has a transport system for infeeding and removing its printing plates. The plate cylinder 10 is symmetrical in configuration. The plate cylinders are arranged side by side in a horizontal direction.

The object of the first groups of inventions [sic] differs from the cited previously published document in terms of the following special technical features (see claim 1 or claim 2)

- a plate changing device of the one plate cylinder is situated with at least its front section above a horizontal line that extends through the rotational axis of said plate cylinder
- a plate changing device of the other plate cylinder is situated with at least its front section below a horizontal line that extends through the rotational axis of said plate cylinder.

These characterizing features of the first invention solve the problem of creating an alternative configuration of printing plate changing devices.

The object of the second groups of inventions [sic] differs from the previously published document in terms of the following special technical features (see claim 1 or claim 5)

- each plate changing device has an infeed plane and a removal plane,
- in one plate changing device the infeed plane is situated above the removal plane and
- in another plate changing device the infeed plane is situated below the removal plane.

These characterizing features of the second invention solve the problem of creating two plate changing devices in which the infeed and removal of printing plates is optimized.

The object of the third groups of inventions [sic] differs from the cited previously published document in terms of the following special technical features (see claim 8)

- a first circumferential section of the plate cylinder is defined by a straight line that connects the rotational axis of the plate cylinder to the rotational axis of the additional cylinder, and by a straight line that connects the rotational axis of the plate cylinder to the rotational axis of the dampening agent roller,
- a second circumferential section of the plate cylinder is defined by a straight line that connects the rotational axis of the plate cylinder to the rotational axis of the ink forme roller, and by a straight line that connects the rotational axis of the plate cylinder to the rotational axis of the dampening agent roller,
- a plate changing device of the one plate cylinder is situated in the first circumferential section, and in that a plate changing device of the other plate cylinder is situated in the second circumferential section.

These characterizing features of the third invention solve the problem of creating a compact configuration of the plate cylinder and the cooperating inking unit, dampening unit and transfer cylinder, which enable an automatic plate changing change [sic].

The object of the fourth invention differs from the cited, previously published document in terms of the following special technical features (see claim 9):

- the printing unit is configured as a nine-cylinder satellite printing unit
- the diameter of the satellite cylinder corresponds to n -times the respective diameter of the assigned plate cylinder, wherein $n = 0.5 \times a$, and a is a natural number that is greater than or equal to 3.

These characterizing features of the fourth invention solve the problem of creating a printing press that can print a plurality of printed products.

Therefore, the four listed groups of inventions use different special technical features to solve different problems with respect to the previously mentioned prior art.

The listed groups of inventions are not interrelated in such a way that they realize a single, common inventive idea, in accordance with Rule 13.1 PCT.

Furthermore, there is no technical connection between these inventions, as defined by Rule 13.2 PCT, which is expressed in one or more equivalent or corresponding special technical features.

The four listed groups of inventions therefore do not fulfill the requirement for unity of the invention according to Rules 13.1 and 13.2 PCT.

Re Box V.

Reference is made to the following documents:

D1: DE 198 04 106 A1 (ROLAND MAN DRUCKMASCH [DE]) 19 August 1999 (8/19/1999) cited in the application
D2: JP 58 188657 A (TOKYO KIKAI SEISAKUSHO LTD) 4 November 1983 (11/4/1983)
D3: WO 2005/105444 A (GOSS GRAPHIC SYSTEMS LTD [GB]; HOLLINGS TONY [GB]) 10 November 2005 (11/10/2005)
D4: DE 43 22 027 A1 (ZIRKON DRUCKMASCHINEN GMBH [DE]) 19 January 1995 (1/19/1995)
D5: DE 37 21 879 A1 (HEIDELBERGER DRUCKMASCH AG [DE]) 12 January 1989 (1/12/1989), cited in the application
D6: DE 20 2005 021002 U1 (ROLAND MAN DRUCKMASCH [DE]) 11 January 2007 (1/11/2007)

First group of inventions: Claims 1-4, 12-137

1. Document D1 is considered the closest prior art. It discloses (references in parentheses refer to this document) a printing unit (1) with a plurality of printing groups (2, 3), each with at least one plate cylinder (4, 5, 10, 11) and at least one transfer cylinder (06, 07, 08, 11), wherein in each case the transfer cylinder is situated so as to cooperate directly with the plate cylinder, wherein in each case at least one ink forme roller of an inking unit (20, 21) is situated so as to cooperate directly with the plate cylinder (07), wherein a plate changing device (25) with a front section that faces the respectively assigned plate cylinder is assigned to at least two plate cylinders (04, 10) situated side by side in a horizontal direction.

The object of the independent claim 1 therefore differs from the known printing unit especially in that:

- a plate changing device of the one plate cylinder is situated with at least its front section above a horizontal line that extends through the rotational axis of said plate cylinder
- a plate changing device of the other plate cylinder is situated with at least its front section below a horizontal line that extends through the rotational axis of said plate cylinder
- wherein the printing unit, which is configured as a nine-cylinder satellite printing unit, has four plate cylinders and an impression cylinder configured as a satellite cylinder.

The object of the independent claim 2 therefore differs from the known printing unit especially in that:

- a plate changing device of the one plate cylinder is situated with at least its front section above a horizontal line that extends through the rotational axis of said plate cylinder
- a plate changing device of the other plate cylinder is situated with at least its front section below a horizontal line that extends through the rotational axis of said plate cylinder.

These characterizing features of the first invention solve the problem of creating an alternative configuration of printing plate changing devices in a printing unit configured as a nine-cylinder satellite printing unit (see claim 1), or in a printing unit.

The solution for this object proposed in claim 1 of the present application is based upon an inventive step for the following reasons (Article 33(3) PCT).

D1 through D3 show printing plate changing devices in printing units, in which two plate cylinders are situated side by side in a horizontal direction. In none of these documents are the plate changing devices in the same configuration as is described in claim 1 or 2.

Both documents D4 and D5 specify two plate cylinders, the rotational axes of which form an essentially vertical orientation. The front section of a first cylinder is above a horizontal orientation and the front section of the other cylinder is below a horizontal orientation. A combination of the teaching of these documents (D4 or D5) with the teaching of Document D1 (or D2 or D3) is not possible, however, because they involve different types of printing presses.

Claim 1, or claim 2, appears to fulfill the requirements of the PCT with regard to Article 33(3).

2. Claims 3, 4, 12-137 are dependent upon claim 1 (or 2) and therefore also fulfill the requirements of the PCT with regard to Article 33(3).

Claims

1. Printing unit (16; 17) with a plurality of printing groups (03; 04; 21; 22; 28; 29; 31; 32), each with at least one plate cylinder (07), and each with at least one transfer cylinder (06), wherein in each case the transfer cylinder (06) is situated so as to cooperate directly with the plate cylinder (07), wherein the printing unit (16; 17), which is configured as a nine-cylinder satellite printing unit (16; 17), has four plate cylinders (07) and one impression cylinder (18), which is configured as a satellite cylinder (18), wherein in each case at least one ink forme roller of an inking unit (09) is situated so as to cooperate directly with the plate cylinder (07), wherein a plate changing device (11; 11a; 11b) is assigned to each of at least two plate cylinders (07), which are situated side by side in a horizontal direction, with the plate changing device having a front section facing the respectively assigned plate cylinder (07), wherein a plate changing device (11; 11a) of one plate cylinder (07) is situated with at least its front section above a horizontal line (H) that extends through the rotational axis of said plate cylinder (07), wherein a plate changing device (11; 11b) of the other plate cylinder (07) is situated with at least its front section below a horizontal line (H) that extends through the rotational axis of said plate cylinder (07), wherein the plate changing device (11; 11a; 11b) has an infeed plane (142; 143) for the leading end of a new printing plate (101) to be mounted on a plate cylinder (07), wherein the opening of the infeed plane (142; 143) of the one plate changing device (11; 11a; 11b) is situated on the plate cylinder (07) above the horizontal line (H) and the opening of the infeed plane (142; 143) of the other plate changing device (11; 11a; 11b) is situated below said horizontal line (H), wherein the plate changing device (11; 11a; 11b) has a plurality of chute-type areas (141; 142; 143; 144) for printing plates (101), wherein at least two chute-type areas (141; 142; 143; 144) are arranged lying side by side, wherein in each case two chute-type areas (141; 143 or 142; 144) are arranged

lying one above another, wherein each plate cylinder (07) can be actuated in a positive manner independently of the other plate cylinders (07) by means of a position-controlled drive motor.

2. Printing unit (16; 17) with a plurality of printing groups (03; 04; 21; 22; 28; 29; 31; 32), each with at least one plate cylinder (07), wherein in each case at least one ink forme roller of an inking unit (09) is situated so as to cooperate directly with the plate cylinder (07), wherein at least two plate cylinders (07) are arranged side by side in an at least essentially horizontal direction, wherein in each case an additional cylinder (06) is situated so as to cooperate directly with the plate cylinder (07), characterized in that a plate changing device (11; 11a; 11b) is assigned to each of at least two plate cylinders (07), with the plate changing device having a front section that faces the respectively assigned plate cylinder (07), in that a plate changing device (11; 11a) of the one plate cylinder (07) is situated with at least its front section above a horizontal line (H) that extends through the rotational axis of said plate cylinder (07), and in that a plate changing device (11; 11b) of the other plate cylinder (07) is situated with at least its front section below a horizontal line (H) that extends through the rotational axis of said plate cylinder (07).
3. Printing unit (16; 17) according to claim 1 or 2, characterized in that each plate changing device (11; 11a; 11b) has an infeed plane (142; 143) and a removal plane (141; 144), in that in one plate changing device (11; 11a) the infeed plane (143) is situated above the removal plane (141), and that in another plate changing device (11; 11b) the infeed plane (142) is situated below the removal plane (144).

4. Printing unit (16; 17) according to claim 1, 2, or 3, characterized in that a first circumferential section (U1) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the additional cylinder (06), and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of a dampening agent roller of a dampening unit (08) that cooperates directly with the plate cylinder (07), in that a second circumferential section (U2) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the ink forme roller of the inking unit (09) and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the dampening agent roller of the dampening unit (08), in that a plate changing device (11; 11a; 11b) of one plate cylinder (07) is situated in the first circumferential section (U1), and in that a plate changing device (11; 11a; 11b) of the other plate cylinder (07) is situated in the second circumferential section (U2).
5. Printing unit (16; 17) with a plurality of printing groups (03; 04; 21; 22; 28; 29; 31; 32), each with at least one plate cylinder (07), wherein in each case at least one ink forme roller of an inking unit (09) is situated so as to cooperate directly with the plate cylinder (07), wherein at least two plate cylinders (07) are arranged side by side in an at least essentially horizontal direction, wherein in each case an additional cylinder (06) is situated so as to cooperate directly with the plate cylinder (07), characterized in that a plate changing device (11; 11a; 11b) is assigned to each of at least two plate cylinders (07), in that each plate changing device (11; 11a; 11b) has an infeed plane (142; 143) and a removal plane (141; 144), in that in one plate changing device (11; 11a) the infeed plane (143) is situated above the removal plane (141), and in that in another plate changing device (11; 11b) the infeed plane (142) is situated below the removal plane (144).

6. Printing unit (16; 17) according to claim 5, characterized in that a plate changing device (11; 11a) of one plate cylinder (07) is situated with at least its front section, which faces the plate cylinder (07), above a horizontal line (H) that extends through the rotational axis of the plate cylinder (07), and in that a plate changing device (11; 11b) of the other plate cylinder (07) is situated with at least its front section, which faces the plate cylinder (07), below a horizontal line (H) that extends through the rotational axis of the plate cylinder (07).
7. Printing unit (16; 17) according to claim 5 or 6, characterized in that a first circumferential section (U1) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the additional cylinder (06) and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of a dampening agent roller of a dampening unit (08) that cooperates directly with the plate cylinder (07), in that a second circumferential section (U2) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the ink forme roller of the inking unit (09) and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the dampening agent roller of the dampening unit (08), in that a plate changing device (11; 11a; 11b) of one plate cylinder (07) is situated in the first circumferential section (U1), and in that a plate changing device (11; 11a; 11b) of the other plate cylinder (07) is situated in the second circumferential section (U2).
8. Printing unit (16; 17) with a plurality of printing groups (03; 04; 21; 22; 28; 29; 31; 32), each with at least one plate cylinder (07), wherein in each case at least one ink forme

roller of an inking unit (09) and at least one dampening agent roller of a dampening unit (08) is situated so as to cooperate directly with the plate cylinder (07), and wherein in each case an additional cylinder (06) is situated so as to cooperate directly with the plate cylinder (07), characterized in that a plate changing device (11; 11a; 11b) is assigned to each of at least two plate cylinders (07), in that a first circumferential section (U1) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the additional cylinder (06) and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the dampening agent roller, in that a second circumferential section of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the ink forme roller and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the dampening agent roller, in that a plate changing device (11; 11a; 11b) of one plate cylinder (07) is situated in the first circumferential section (U1), and in that a plate changing device (11; 11a; 11b) of the other plate cylinder (07) is situated in the second circumferential section (U2).

9. Printing unit (16; 17) with a plurality of printing groups (03; 04; 21; 22; 28; 29; 31; 32), each with at least one plate cylinder (07), and each with at least one transfer cylinder (06), wherein in each case the transfer cylinder (06) is situated so as to cooperate directly with the plate cylinder (07), wherein the printing unit (16; 17), which is configured as a nine-cylinder satellite printing unit (16; 17), has four plate cylinders (07) and one impression cylinder (18) configured as a satellite cylinder (18), wherein in each case at least one ink forme roller of an inking unit (09) is situated so as to cooperate directly with the plate cylinder (07), characterized in that the diameter of the satellite cylinder (18)

corresponds to n -times the respective diameter of the assigned plate cylinder (07), wherein $n = 0.5 \times a$ and a is a natural number that is greater than or equal to 3.

10. Printing unit (16; 17) according to claim 8 or 9, characterized in that a plate changing device (11; 11a; 11b) of one plate cylinder (07) is situated with at least its front section, which faces the plate cylinder (07), above a horizontal line (H) that extends through the rotational axis of the plate cylinder (07), and in that a plate changing device (11; 11a; 11b) of the other plate cylinder (07) is situated with at least its front section, which faces the plate cylinder (07), below a horizontal line (H) that extends through the rotational axis of the plate cylinder (07).
11. Printing unit (16; 17) according to claim 8, 9, or 10, characterized in that each plate changing device (11; 11a; 11b) has an infeed plane (142; 143) and a removal plane (141; 144), in that in one plate changing device (11; 11a) the infeed plane (143) is situated above the removal plane (141), and in that in another plate changing device (11; 11b) the infeed plane (142) is situated below the removal plane (144).
12. Printing unit (16; 17) according to claim 2, 5, 8, or 9, characterized in that at least two plate cylinders (07) are arranged side by side in a horizontal direction.
13. Printing unit (16; 17) according to claim 2, 5, 8, or 9, characterized in that in each case two plate cylinders (07) are arranged side by side in a horizontal direction.
14. Printing unit (16; 17) according to claim 1, 2, 5, or 13, characterized in that the two plate

cylinders (07) arranged side by side in a horizontal direction are arranged offset in a vertical direction less than one diameter of a plate cylinder (07).

15. Printing unit (16; 17) according to claim 14, characterized in that the two plate cylinders (07) that are arranged side by side in a horizontal direction are arranged offset in a vertical direction less than one radius of a plate cylinder (07).

16. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that at least two plate cylinders (07) are situated one above another in an at least essentially vertical direction.

17. Printing unit (16; 17) according to claim 16, characterized in that at least two plate cylinders (07) are situated one above another in a vertical direction.

18. Printing unit (16; 17) according to claim 16 or 17, characterized in that the two plate cylinders (07) that are situated one above another in a vertical direction are arranged offset in a horizontal direction less than one diameter of a plate cylinder (07).

19. Printing unit (16; 17) according to claim 18, characterized in that the two plate cylinders (07) that are situated one above another in a vertical direction are arranged offset in a horizontal direction less than one radius of a plate cylinder.

20. Printing unit (16; 17) according to claim 2, 5, or 8, characterized in that the printing unit (16; 17) has four plate cylinders (07).

21. Printing unit (16; 17) according to claim 2, 5, or 8, characterized in that the printing unit (16; 17) has an impression cylinder (18) configured as a satellite cylinder (18).

22. Printing unit (16; 17) according to claim 21, characterized in that the printing unit (16; 17) is configured as a nine-cylinder satellite printing unit (16; 17).
23. Printing unit (16; 17) according to one of claims 4 or 7 through 22, characterized in that a third circumferential section (U3) of the plate cylinder (07) is defined by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the additional cylinder (06) and by a straight line that connects the rotational axis of the plate cylinder (07) to the rotational axis of the ink forme roller of the inking unit (09).
24. Printing unit (16; 17) according to one of claims 4 or 7 through 22, characterized in that the first (U1) and the second (U2) circumferential sections do not overlap.
25. Printing unit (16; 17) according to claims 23 and 24, characterized in that the first (U1), second (U2), and third (U3) circumferential sections do not overlap.
26. Printing unit (16; 17) according to one of claims 4 or 7 through 25, characterized in that the first (U1) and second (U2) circumferential sections are situated directly adjacent to one another.
27. Printing unit (16; 17) according to claims 23 and 26, characterized in that the first (U1), second (U2), and third (U3) circumferential sections are situated directly adjacent to one another.
28. Printing unit (16; 17) according to claim 23, 25 or 26, characterized in that the first (U1),

second (U2), and third (U3) circumferential sections make up the entire circumference of the plate cylinder (07).

29. Printing unit (16; 17) according to one of claims 4 or 7 through 28, characterized in that the opening angle of the first circumferential section (U1) lies between 70° and 150° .
30. Printing unit (16; 17) according to one of claims 4 or 7 through 29, characterized in that the opening angle of the first circumferential section (U1) is obtuse.
31. Printing unit (16; 17) according to claim 29 or 30, characterized in that the opening angle of the first circumferential section (U1) lies between 90° and 130° .
32. Printing unit (16; 17) according to claim 31, characterized in that the opening angle of the first circumferential section (U1) lies between 100° and 120° .
33. Printing unit (16; 17) according to claim 32, characterized in that the opening angle of the first circumferential section (U1) measures approximately 110° .
34. Printing unit (16; 17) according to one of claims 4 or 7 through 33, characterized in that the opening angle of the second circumferential section (U2) is obtuse.
35. Printing unit (16; 17) according to claim 34, characterized in that the opening angle of the second circumferential section (U2) lies between 110° and 190° .
36. Printing unit (16; 17) according to claim 35, characterized in that the opening angle of the second circumferential section (U2) lies between 130° and 170° .

37. Printing unit (16; 17) according to claim 36, characterized in that the opening angle of the second circumferential section (U2) lies between 140° and 160° .
38. Printing unit (16; 17) according to claim 37, characterized in that the opening angle of the second circumferential section (U2) measures approximately 150° .
39. Printing unit (16; 17) according to one of claims 23 through 38, characterized in that the opening angle of the third circumferential section (U3) lies between 60° and 140° .
40. Printing unit (16; 17) according to claim 39, characterized in that the opening angle of the third circumferential section (U3) lies between 80° and 120° .
41. Printing unit (16; 17) according to claim 40, characterized in that the opening angle of the third circumferential section (U3) lies between 90° and 110° .
42. Printing unit (16; 17) according to one of claims 39 through 41, characterized in that the opening angle of the third circumferential section (U3) is obtuse.
43. Printing unit (16; 17) according to claim 41 or 42, characterized in that the opening angle of the third circumferential section (U3) measures approximately 100° .
44. Printing unit (16; 17) according to claim 1 or 21, characterized in that the opening angle (β) between a straight line that connects the rotational axis of the satellite cylinder (18) to the rotational axis of a transfer cylinder (D6) and a straight line that connects the rotational axis of the satellite cylinder (18) to the rotational axis of an additional transfer

- cylinder (06), which is situated above the transfer cylinder (06), measures between 90° and 40° .
45. Printing unit (16; 17) according to claim 44, characterized in that the opening angle (β_1) is acute.
46. Printing unit (16; 17) according to claim 45, characterized in that the opening angle (β_1) lies between 75° and 55° .
47. Printing unit (16; 17) according to claim 46, characterized in that the opening angle (β_1) measures approximately 65° .
48. Printing unit (16; 17) according to claim 44, characterized in that the additional transfer cylinder (08) is arranged vertically above the transfer cylinder (06).
49. Printing unit (16; 17) according to claim 1, 21, or 44, characterized in that the opening angle (β_2) between a straight line that connects the rotational axis of the satellite cylinder (18) to the rotational axis of a transfer cylinder (06) and a straight line that connects the rotational axis of the satellite cylinder (18) to the rotational axis of an additional transfer cylinder (06), which is situated above the transfer cylinder (06), is obtuse.
50. Printing unit (16; 17) according to claim 49, characterized in that the opening angle (β_2) lies between 140° and 110° .
51. Printing unit (16; 17) according to claim 50, characterized in that the opening angle (β_2)

lies between 135° and 115° .

52. Printing unit (16; 17) according to claim 51, characterized in that the opening angle (B2) measures approximately 125° .
53. Printing unit (16; 17) according to claim 49, characterized in that the transfer cylinder (06) is arranged horizontally next to the additional transfer cylinder (06).
54. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the rotational axes of the transfer cylinders (06) define the corners of a rectangle.
55. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the plate changing device (11; 11a; 11b) has an infeed plane (142; 143) for the leading end of a new printing plate (101) to be mounted on a plate cylinder (07).
56. Printing unit (16; 17) according to claim 55 and according to one of claims 4, 7, or 8, characterized in that the opening of the infeed plane (142; 143) of the plate changing device (11; 11a; 11b) is situated in the first circumferential section (U1) or in the second circumferential section (U2) on the plate cylinder (07).
57. Printing unit (16; 17) according to claim 55 and according to one of claims 2, 6, or 10, characterized in that the opening of the infeed plane (142; 143) of the plate changing device (11; 11a; 11b) is situated on the plate cylinder (07) above the horizontal line (H) or below the horizontal line (H).
58. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the plate changing device (11; 11a; 11b) has at least one contact pressure element (124) for pressing the printing plate (101) against the plate cylinder (07).

59. Printing unit (16; 17) according to claim 58, characterized in that the at least one contact pressure element (124) is at least one pressure roller (124).
60. Printing unit (16; 17) according to claim 58 or 59 and according to one of claims 4, 7, or 8, characterized in that the at least one contact pressure element (124) is situated in the first circumferential section (U1) or in the second circumferential section (U2).
61. Printing unit (16; 17) according to claim 58 and according to one of claims 1, 2, 6, or 10, characterized in that the at least one contact pressure element (124) is situated above the horizontal line (H) or below the horizontal line (H).
62. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that a plurality of printing plates (101) can be arranged side by side in the plate changing device (11; 11a; 11b), viewed axially along the plate cylinder (07).
63. Printing unit (16; 17) according to claim 62 and according to claim 58, characterized in that at least one contact pressure element (124) is assigned to each of the printing plates (101) arranged side by side.
64. Printing unit (16; 17) according to claim 63, characterized in that each at least one contact pressure element (124) that is assigned to a printing plate (101) can be actuated independently from the other contact pressure elements (124) assigned to the other printing plates (101).
65. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that each plate changing device (11; 11a; 11b) has an infeed plane (142; 143) and a removal plane (141; 144).

66. Printing unit (16; 17) according to claim 65, characterized in that in at least one plate changing device (11; 11a), the infeed plane (143) is situated above the removal plane (141).
67. Printing unit (16; 17) according to claim 65 and/or 66, characterized in that in at least one plate changing device (11; 11b) the removal plane (144) is situated above the infeed plane (142).
68. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the plate changing device (11; 11a; 11b) has an infeed plane (142; 143), and in that the angle formed by the infeed plane and the horizontal line (H) lies between 0° and 40° .
69. Printing unit (16; 17) according to claim 68, characterized in that the angle is smaller than 30° .
70. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the plate changing device (11; 11a; 11b) has a removal plane (141; 144), and in that the angle formed by the removal plane (141; 144) and the horizontal line (H) lies between 0° and 40° .
71. Printing unit (16; 17) according to claim 70, characterized in that the angle is smaller than 30° .
72. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the plate changing device (11; 11a; 11b) has a plurality of chute-type areas (141; 142; 143; 144) for printing plates (101).

73. Printing unit (16; 17) according to claim 72, characterized in that at least two chute-type areas (141; 142; 143; 144) are arranged lying side by side.
74. Printing unit (16; 17) according to claim 73, characterized in that the number of chute-type areas (141; 142; 143; 144) lying side by side corresponds to the number of printing plates (101) that can be arranged side by side in an axial direction on the assigned plate cylinder (07).
75. Printing unit (16; 17) according to one of claims 72 through 74, characterized in that in each case, two chute-type areas (141; 143 or 142; 144) are situated lying one above another.
76. Printing unit (16; 17) according to claim 75, characterized in that one (142; 143) of the two chute-type areas (141; 143 or 142; 144) lying one above another is an infeed chute (142; 143) and the other (141; 144) of the two chute-type areas (141; 143 or 142; 144) lying one above another is a removal chute (141; 144).
77. Printing unit (16; 17) according to claim 76, characterized in that the plate changing device (11; 11a; 11b) comprises a number of side-by-side infeed chutes (142; 143) that corresponds to the number of printing plates (101) on the assigned plate cylinder (07), and a corresponding number of removal chutes (141; 144) situated above or below the infeed chutes (142; 143).
78. Printing unit (16; 17) according to claim 77, characterized in that the number of infeed chutes (142; 143) arranged side by side in the plate changing device (11; 11a; 11b) is two or four or six.

79. Printing unit (16; 17) according to claim 73, characterized in that the number of infeed chutes (142; 143) arranged side by side in the plate changing device (11; 11a; 11b) is three or five or seven.
80. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the printing plates (101) that are assigned to the plate cylinders (07) each have an angled front end (113).
81. Printing unit (16; 17) according to claim 80, characterized in that in one group of plate changing devices (11; 11b) the front ends (113) of the printing plates (101) held therein point upward.
82. Printing unit (16; 17) according to claim 80 or 81, characterized in that in one group of plate changing devices (11; 11a) the front ends (113) of the printing plates (101) held therein point downward.
83. Printing unit (16; 17) according to claim 81 or 82, characterized in that the front ends (113) of the printing plates (101) held in the respective plate changing device (11; 11a; 11b) point respectively upward and downward in both the infeed chute (142; 143) and the removal chute (141; 144) of the plate changing device (11; 11a; 11b).
84. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the at least one plate cylinder (07) has at least one printing plate (101) in an axial direction.
85. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has two printing plates (101) lying side by side in an axial direction.

86. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has three printing plates (101) lying side by side in an axial direction.
87. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has four printing plates (101) lying side by side in an axial direction.
88. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has five printing plates (101) lying side by side in an axial direction.
89. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has six printing plates (101) lying side by side in an axial direction.
90. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has seven printing plates (101) lying side by side in an axial direction.
91. Printing unit (16; 17) according to claim 84, characterized in that the at least one plate cylinder (07) has eight printing plates (101) lying side by side in an axial direction.
92. Printing unit (16; 17) according to claim 1, 2, 5, 8, 9, or 84, characterized in that the at least one plate cylinder (07) has at least one printing plate (101) in a circumferential direction.

93. Printing unit (16; 17) according to claim 92, characterized in that the at least one plate cylinder (07) has one printing plate (101) in a circumferential direction.
94. Printing unit (16; 17) according to claim 92, characterized in that the at least one plate cylinder (07) has two printing plates (101) lying one in front of another in a circumferential direction.
95. Printing unit (16; 17) according to claim 92, characterized in that the at least one plate cylinder (07) has four printing plates (101) lying one in front of another in a circumferential direction.
96. Printing unit (16; 17) according to one of claims 84 through 95, characterized in that precisely one or two or three or four or five or six or seven or eight pages of a print product are imaged on a printing plate (101).
97. Printing unit (16; 17) according to claim 84, characterized in that precisely one newspaper page is imaged on a printing plate (101).
98. Printing unit (16; 17) according to claim 97, characterized in that precisely one newspaper page in broadsheet format is imaged on a printing plate (101).
99. Printing unit (16; 17) according to claim 84 through 96, characterized in that the one to eight pages are imaged in broadsheet format on the printing plate (101).
100. Printing unit (16; 17) according to one of claims 84 through 96, characterized in that two to sixteen pages in tabloid format are imaged on the printing plate (101).

101. Printing unit (16; 17) according to one of claims 84 through 96, characterized in that one to four pages in panorama format are imaged on the printing plate (101).
102. Printing unit (16; 17) according to one of claims 84 through 101, characterized in that the multiple pages in broadsheet format and/or tabloid format and/or panorama format are imaged on one printing plate (101).
103. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that grooves (108) configured to receive the ends (113) of the printing plates (101) are formed in the plate cylinders (07).
104. Printing unit (16; 17) according to claim 103, characterized in that the grooves (108) are structured to be continuous axially along the plate cylinder (07).
105. Printing unit (16; 17) according to claim 103 or 104, characterized in that holding devices (119) for holding the ends (113) of the printing plates (101) are provided in the grooves (108).
106. Printing unit (16; 17) according to claim 105, characterized in that the plate cylinder (07) has a plurality of printing plates (101) lying side by side in an axial direction, in that a separate holding device (119) is provided for each printing plate (101), and in that each holding device (119) can be actuated independently of the other holding devices (119).
107. Printing unit (16; 17) according to claim 105 or 106, characterized in that the holding devices (119) can be pneumatically actuated.

108. Printing unit (16; 17) according to one of claims 4, 7, or 8, characterized in that the dampening unit (08) is a brush dampening unit, a film dampening unit or a spray dampening unit.
109. Printing unit (16; 17) according to claim 2, 5, 8, or 9, characterized in that each plate cylinder (07) can be positively actuated, independently of the other plate cylinders (07), by means of a position-controlled drive motor.
110. Printing unit (16; 17) according to claim 21 or 22 and according to claim 109, characterized in that each plate cylinder (07) can be positively actuated, independently of the satellite cylinder (18), by means of a position-controlled drive motor.
111. Printing unit (16; 17) according to claim 110, characterized in that the satellite cylinder (18) has its own position-controlled drive motor.
112. Printing unit (16; 17) according to claim 9, 21, or 22, characterized in that the circumference of the satellite cylinder (18) corresponds to a whole number multiple of the respective cut-off length of the assigned plate cylinder (07).
113. Printing unit (16; 17) according to claim 1, 2, 5, 8, 9, or 93, characterized in that the circumference of the plate cylinder (07) corresponds to two pages, especially newspaper pages.
114. Printing unit (16; 17) according to claim 1, 2, 5, 8, 9, or 93, characterized in that the circumference of the plate cylinder (07) corresponds to one page, especially one newspaper page.

115. Printing unit (16; 17) according to claim 112, 113, or 114, characterized in that the diameter of the satellite cylinder (18) corresponds to n -times the respective diameter of the assigned plate cylinder (07), wherein $n = 0.5 \times a$ and a is a natural number that is greater than or equal to 3.
116. Printing unit (16; 17) according to claim 115, characterized in that n is 1.5, 2, 2.5 or 3.
117. Printing unit (16; 17) according to claim 9, 112, 113, or 114, characterized in that the diameter of the satellite cylinder (18) corresponds to m -times the respective diameter of the assigned transfer cylinder (06), wherein $m = 0.5 \times a$ and a is a natural number that is greater than or equal to 3.
118. Printing unit according to claim 117, characterized in that m is 1.5, 2, 2.5 or 3.
119. Printing unit according to claim 9 or 110, characterized in that the ratio of the circumference of the plate cylinder (07) to that of the satellite cylinder (18) is 1 to 3.
120. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the circumference of the transfer cylinder (06) corresponds to two pages, especially newspaper pages.
121. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the ratio of the circumference of the plate cylinder (07) to that of the transfer cylinder (06) is 1 to 1.
122. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the ratio of the circumference of the plate cylinder (07) to that of the transfer cylinder (06) is 1 to 2.

123. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that the ratio of the circumference of the plate cylinder (07) to that of the transfer cylinder (06) is 1 to 3.
124. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that a satellite washing device (24) is situated on the satellite cylinder (18) between the infed and the delivered web of printing substrate (23) and/or on its opposite side.
125. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 11, characterized in that a blanket washing device (26) is situated at least on a first and a second transfer cylinder (06) and on a third and a fourth transfer cylinder (06).
126. Printing unit (16; 17) according to claim 125, characterized in that a blanket washing device (26) is situated on each of the four transfer cylinders (06).
127. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that the plate cylinders (07), the transfer cylinders (06) and the satellite cylinders (18) are structured to be four vertical newspaper pages in width.
128. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that the plate cylinders (07), the transfer cylinders (06) and the satellite cylinders (18) are structured to be five vertical newspaper pages in width.

129. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that the plate cylinders (07), the transfer cylinders (06) and the satellite cylinders (18) are structured to be six vertical newspaper pages in width.

130. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that the plate cylinders (07), the transfer cylinders (08) and the satellite cylinders (18) are structured to be seven vertical newspaper pages in width.

131. Printing unit (16; 17) according to claim 1, 9, or 21, characterized in that the plate cylinders (07), the transfer cylinders (08) and the satellite cylinders (18) are structured to be eight vertical newspaper pages in width.

132. Printing unit (16; 17) according to claim 1, 2, 5, 8, or 9, characterized in that a plate changing device (11; 11a; 11b) is provided on each plate cylinder (07), and is situated in the printing unit (16; 17) in such a way that the at least one printing plate (101) can be introduced without curvature.

133. Printing tower (14), which comprises two printing units (16; 17) according to claim 1, 2, 5, 8, or 9, situated one above another.

134. Printing tower (14) according to claim 133, characterized in that the printing tower (14) comprises two printing units (16; 17) according to claim 9, 21 or 22.

135. Printing tower (14) according to claim 134, characterized in that the configuration of the printing groups (03; 04; 21; 22; 28; 29; 31; 32) and/or cylinders (06; 07; 18) of the one printing unit (16; 17) is a mirror image of the configuration of the printing groups (03; 04; 21; 22; 28; 29; 31; 32) and/or cylinders (06; 07; 18) of the other printing unit (16; 17).

136. Printing tower (14) according to claim 134 or 135, characterized in that the plate changing devices (11; 11a; 11b) of the one printing unit (16; 17) are arranged in a mirror-image configuration of the plate changing devices (11; 11a; 11b) of the other printing unit (16; 17).

137. Printing tower (14) according to claim 133, characterized in that in each case a guide roller (19) that holds the input and delivered web of printing substrate (23) away from the first and the fourth transfer cylinders (06) and from the fifth and the eighth transfer cylinders (06) in their print-off position is included.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,767	05/09/2008	Jürgen Alfred Stiel	W1.2660 PCT-US	2978
23294	7590	12/02/2010	EXAMINER	
JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			12/02/2010	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
JÜRGEN Alfred STIEL
Application No.: 12/084,767
Filed: 09 May 2008
Attorney Docket No.: W1.2660 PCT-US
For: PRINTING UNITS COMPRISING
SEVERAL PRINTING GROUPS, AND
PRINTING TOWER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 05 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,797	02/20/2009	Cornelis Arjan Van Oeveren	3800024.00493 / 1123US	2798
77202	7590	03/14/2011	EXAMINER	
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			AULAKH, CHARANJIT	
			ART UNIT	PAPER NUMBER
			1625	
			MAIL DATE	DELIVERY MODE
			03/14/2011	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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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Van Oeveren, et al.
Serial No.: 12/084,797
Filed: May 9, 2008
Attorney Docket No: 3800024.00493 /
1123US

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:
: PETITION DECISION
:
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This is in response to the petition filed on January 6, 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 October 9, 2008 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 October 9, 2008. 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 October 9, 2008 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" (October 9, 2008, "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 October 9, 2008.

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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MAILED

SEP 15 2010

OFFICE OF PETITIONS

Applicant: Juergen Serrer
Appl. No.: 12/084,834
International Filing Date: February 7, 2006
Title: MULTI-STAGE DATA PROCESSOR WITH SIGNAL REPEATER
Attorney Docket: 0004744USU/3154
Pub. No.: US 2009/0282302 A1
Pub. Date: November 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 7, 2010 for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains a material error in the dependency of claim 48, wherein it improperly depends from claim 1.

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

In accordance with 37 CFR 1.221(b), corrected publication is not applicable to correct applicant's errors.

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). Independent Claim 48 was correctly published as it appears in the preliminary amendment filed with the application on May 9, 2008.

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).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on January 7, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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:

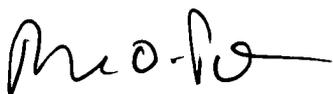
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

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

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

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



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



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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Mark Fisher, et al. :
Application No. 12/084,858 : DECISION GRANTING PETITION
Filed: May 12, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. DC10366PCT1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 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 April 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 1766 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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NOV 21 2011

In re Application of :
Mark Fisher, et al. :
Application No. 12/084,858 :
Filed: May 12, 2008 :
Attorney Docket No. DC10366PCT1 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 15, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

This application is being referred to Technology Center AU 1766 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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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

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DEC 20 2010

In re Application of	:	OFFICE OF PETITIONS
Hermanus Marinus Ignatius Koot et al.	:	
Application No. 12/084,870	:	DECISION ON PETITION
Filed: July 21, 2008	:	TO WITHDRAW
Attorney Docket No. 93107U	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 22, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper. The assignee name listed in the request is not of record.

A review of the Office records indicates that the assignee of record differs from the assignee listed in the request and the Statement under 37 CFR 3.73(b) filed on May 14, 2009. 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 inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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RAHWAY NJ 07065-0907

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NOV 01 2011

OFFICE OF PETITIONS

In re Application of :
BELL et al. : DECISION ON APPLICATION
Application No. 12/084,917 : FOR
Filed: 05/13/2008 : PATENT TERM ADJUSTMENT
Docket No. MRL-NOP-21909-US-PCT :

This is a decision on the petition under 37 CFR 1.705(b) filed October 25, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 450 days to 510 days.

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

The Office has updated the PAIR and PALM screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **510 days**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On May 18, 2008, 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) was 450 days. On October 25, 2011, applicants timely submitted the present application for patent term adjustment.¹

Applicants dispute the reduction of 60 days pursuant to 37 CFR 1.704(c)(8) for filing of a terminal disclaimer on July 11, 2011, after a reply had been filed. Applicants contend that the terminal disclaimer was filed on May 12, 2011, within three

¹ The Office records show that applicants paid the issue fee on October 25, 2011.

months of the mailing date of the non-final Office action mailed February 16, 2011.

Applicants' argument is well taken. The record supports a conclusion that applicants filed the terminal disclaimer with the reply to the non-final Office action on May 12, 2011. Applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application within the meaning of 37 CFR 1.704(c)(8). Accordingly, the reduction of 60 days is not warranted and is being removed.

In view thereof, the corrected patent term adjustment at the time of the mailing of the Notice of Allowance is **510 days**.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is 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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/084,917

Filing or 371(c) Date:	05-13-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	510
A Delays:	510	PTO Manual Adjustments:	60
B Delays:	0	Applicant Delays:	60
C Delays:	0	Total PTA Adjustments:	510

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
55	10-31-2011	Adjustment of PTA Calculation by PTO	60		0
48	08-01-2011	Mail Notice of Allowance			0
47	07-08-2011	Office Action Review			0
46	07-08-2011	Office Action Review			0
45	07-08-2011	Office Action Review			0
44	08-01-2011	Issue Revision Completed			0
43	08-01-2011	Document Verification			0
42	08-01-2011	Notice of Allowance Data Verification Completed			0
39	07-08-2011	Office Action Review			0
38	07-08-2011	Office Action Review			0
37	07-08-2011	Office Action Review			0
36	07-11-2011	Terminal Disclaimer Filed		60	30
35	07-08-2011	Examiner's Amendment Communication			0
34	07-08-2011	Examiner Interview Summary Record (PTOL - 413)			0
33	07-08-2011	Allowability Notice			0
32	07-06-2011	Paralegal TD Accepted			0
31	05-16-2011	Date Forwarded to Examiner			0
30	05-12-2011	Response after Non-Final Action			0

29	03-29-2011	Case Docketed to Examiner in GAU		0
28	02-16-2011	Mail Non-Final Rejection		0
27	02-14-2011	Non-Final Rejection		0
25	09-26-2008	Information Disclosure Statement considered		0
24	06-12-2009	Information Disclosure Statement considered		0
23	02-09-2011	Case Docketed to Examiner in GAU		0
22	01-07-2011	Date Forwarded to Examiner		0
21	01-06-2011	Response to Election / Restriction Filed		0
20	12-10-2010	Mail Restriction Requirement	510	10
19	12-08-2010	Restriction/Election Requirement		0
15	01-23-2010	Case Docketed to Examiner in GAU		0
14	01-23-2010	Case Docketed to Examiner in GAU		0
13	09-24-2009	PG-Pub Issue Notification		0
12	08-02-2009	Case Docketed to Examiner in GAU		0
11	07-10-2009	Application Dispatched from OIPE		0
10	05-18-2008	371 Completion Date		0
9	06-18-2009	Sent to Classification Contractor		0
8	06-18-2009	Filing Receipt		0
7	06-18-2009	Notice of DO/EO Acceptance Mailed		0
6	06-12-2009	Information Disclosure Statement (IDS) Filed		0
5	09-26-2008	Information Disclosure Statement (IDS) Filed		0
4	05-30-2008	Cleared by OIPE CSR		0
3	05-30-2008	IFW Scan & PACR Auto Security Review		0
0.5	11-14-2006	International Filing date		0

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OFFICE OF PETITIONS

In re Patent No. 8,071,770 : DECISION ON REQUEST FOR
Bell et al. : RECONSIDERATION OF
Issue Date: 12/06/2011 : PATENT TERM ADJUSTMENT
Application No. 12/084,917 :
Filed: 05/13/2008 :
Attorney Docket No. MRL-NOP- :
21909-US-PCT :

This is a decision on the Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(d), filed January 3, 2012, 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 seven hundred twelve (712) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

Patentee is given **TWO (2) MONTHS** from the mailing date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

In the present petition, patentee calculated the B delay incorrectly. In an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 37 CFR 1.702(b). The priority date of this application is November 18, 2005. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Sunday, the

period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is May 19, 2008. Thus, B delay is 201 days, counting the number of days beginning on the day after the date that is three years after the date on which the national stage commenced under 35 U.S.C. 371(b), May 20, 2011, and ending on the date the patent issued, December 16, 2011. See 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.703(b).

Accordingly, the patent term adjustment remains 711 days.

The Office acknowledges the payment of the \$200.00 fee set forth in 37 CFR 1.18(e).

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AA 1767 US	Application Number (if known): 12084997	Filing date: 2006-12-21
------------------------------------	---	-------------------------

First Named Inventor: Valerie Marie Renee Houel

Title: REDUCING COOKING OVER AG/1203 HC-SCR CATALYST

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.

- 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.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: Statement of Special Status and Preliminary Amendment

Signature /Stephen J. Driscoll/	Date 02/18/2011
---------------------------------	-----------------

Name (Print/Typed) Stephen J. Driscoll	Registration Number 37564
--	---------------------------

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,997	12/21/2009	Valerie Marie Renée Houel	AA 1767 US	4502
95567	7590	02/24/2011	EXAMINER	
RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			02/24/2011	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.



RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

In re Application of	:	
HOUEL, VALERIE MARIE RENÉE et al	:	DECISION ON PETITION
Application No. 12/084,997	:	TO MAKE SPECIAL UNDER
Filed: Dec. 21, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA1767US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to enhancement of the quality of the environment. This is not convincing. It is not clear how the claimed reducing coking with specific temperature ranges will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no relationship between the statement and the claimed subject matter.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Houel et al.

Application No.: 12/084,997

Confirmation No.: 4502

Docket No.: AA 1767 US

Filed: December 21, 2006

Title: Reducing Cooking Over Ag/A1203 HC-
SCR Catalyst

Examiner: (Unknown)

Art Unit: (not yet available)

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

PETITION FOR RECONSIDERATION

This is in response to the Decision on Petition to Make Special Under the Green Technology Pilot Program dated February 24, 2011, having a period for response set to expire on March 24, 2011.

Applicant hereby requests early publication and authorizes the Commissioner to charge the requisite fees to Applicant's Deposit Account No. 50-4364.

As required by the Decision, Applicant submits herewith a Statement of Materiality of Claimed Invention to Enhancement in Quality of Environment.

The Commissioner is hereby authorized to charge any fees, which may be required, any deficiencies that may arise, and to credit any overpayment, which may be owed to Applicant in connection with this Action and application in general to Deposit Account No. 50-4364.

Respectfully submitted,

Date: March 24, 2011

/Stephen J. Driscoll/
Stephen J. Driscoll
Registration No. 37,564

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7872
Email: SDriscoll@saul.com

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Houel et al.

Application No.: 12/084,997

Confirmation No.: 4502

Docket No.: AA 1767 US

Filed: December 21, 2006

Title: Reducing Cooking Over Ag/Al₂O₃ HC-SCR Catalyst

Examiner: (Unknown)

Art Unit: (not yet available)

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

**Statement of Materiality of Claimed Invention to
Enhancement in Quality of Environment**

The claimed invention is related to enhancing the quality of the environment by reducing coking on a selective catalytic reduction (SCR) catalyst in an exhaust stream of a lean burn internal combustion engine, thereby reducing NO_x emissions. NO_x are known to contribute to ground-level ozone (smog), acidifying nitrate deposition (acid rain), ozone depletion, and greenhouse effects. By way of background, one of the most effective SCR catalysts used is Ag/Al₂O₃. The catalyst exhibits high activity for the selective reduction of NO_x using hydrocarbons, but suffers from chemical deactivation caused by coking or sulphation. Coking has a significant affect upon the HC-SCR activity of Ag/Al₂O₃ catalysts at lower temperatures. To minimize coking deactivation, traditionally a HC-SCR catalyst would be combined with a partial oxidation catalyst (POC). The claimed invention, however, is directed at a new approach for reducing coking over a Ag/Al₂O₃ HC-SCR catalyst without the need to modify catalyst formation by instead optimizing the hydrocarbon to molar NO_x ratio (HC:NO_x as Cl) of the exhaust gas to achieve high NO_x conversion for Ag/Al₂O₃ HC-SCR catalysts across a wide temperature range. This optimization reduces coking, allowing the catalyst to be used over a wide temperature range to reduce NO_x, and thereby enhance the quality of the environment.

Respectfully submitted,

Date: March 24, 2011

/Stephen J. Driscoll/
Stephen J. Driscoll
Registration No. 37,564

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7872
Email: SDriscoll@saul.com



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/084,997	12/21/2009	Valeric Marie Renée Houel	AA 1767 US	4502

95567 7590 04/14/2011
RatnerPrestia (JM)
P.O. Box 980
Valley Forge, PA 19482-0980

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
04/14/2011	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.



RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

In re Application of	:	
HOUEL, VALERIE MARIE RENÉE et al	:	DECISION ON PETITION
Application No. 12/084,997	:	TO MAKE SPECIAL UNDER
Filed: Dec. 21, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA1767US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 24, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700



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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED
NOV 02 2011

OFFICE OF PETITIONS

In re Application of :
Bell et al. : DECISION ON APPLICATION
Application No. 12/085,005 : FOR
Filed: May 14, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. **MRL-NOP-21962-** :
US-PCT :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)," filed October 19, 2011. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred forty-four (444) days to five hundred four (504) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **five hundred four (504)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 21, 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 444 days. On October 19, 2011, applicant timely submitted the instant application for patent term adjustment¹. Applicant disputes the reduction of 60 days associated with the filing of a terminal disclaimer on July 11, 2011, indicating that no terminal disclaimer was filed on that date. Basically, applicant contends that no reduction pursuant to 37 CFR 1.704(b) is warranted as their response was filed on

¹ The issue fee was paid on October 19, 2011.

May 12, 2011, which was within 3 months of the mailing of the Office action.

Applicant's arguments have been considered and found persuasive. A review of the record reveals that the terminal disclaimer was filed on May 12, 2011, not July 11, 2011. This was in response to the non-final Office action mailed February 16, 2011. Thus, there was no applicant delay. The reduction of 60 days has been removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 504 days.

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

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

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

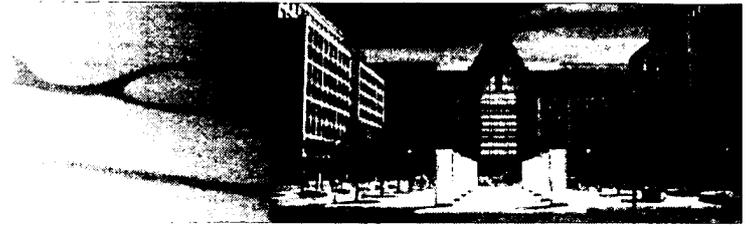


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12085005

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: **12085005**

Application Filing Date	05/14/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	504
A Delays	504	PTO Manual Adjustment	60
B Delays	0	Applicant Delay (APPL)	60
C Delays	0	Total PTA (days)	504

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
52	10/27/2011		P028	Adjustment of PTA Calculation by PTO	60	0	
44	07/21/2011		MN/=.	Mail Notice of Allowance		0	
40	07/19/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
39	07/19/2011		EX.A	Examiner's Amendment Communication		0	
38	07/19/2011		N/=.	Notice of Allowance Data Verification Completed		0	
37	07/19/2011		DOCK	Case Docketed to Examiner in GAU		0	
36	07/11/2011	05/12/2011	DIST	Terminal Disclaimer Filed		60	30
43	07/08/2011		OAR	Office Action Review		0	
42	07/08/2011		OAR	Office Action Review		0	
41	07/08/2011		OAR	Office Action Review		0	
35	07/08/2011		EX.A	Examiner's Amendment Communication		0	
34	07/08/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
33	07/08/2011		CNTA	Allowability Notice		0	
32	07/06/2011		P574	Paralegal TD Accepted		0	
31	05/16/2011		FWDX	Date Forwarded to Examiner		0	
30	05/12/2011		A...	Response after Non-Final Action		0	
29	03/29/2011		DOCK	Case Docketed to Examiner in GAU		0	
28	02/16/2011		MCTNF	Mail Non-Final Rejection		0	
27	02/14/2011		CTNF	Non-Final Rejection		0	
24	02/08/2011		DOCK	Case Docketed to Examiner in GAU		0	
23	12/10/2010		FWDX	Date Forwarded to Examiner		0	
22	12/09/2010		ELC.	Response to Election / Restriction Filed		0	
21	11/30/2010	07/14/2009	MCTRS	Mail Restriction Requirement	504		14
20	11/29/2010		CTRS	Restriction/Election Requirement		0	
17	01/23/2010		DOCK	Case Docketed to Examiner in GAU		0	
16	08/02/2009		DOCK	Case Docketed to Examiner in GAU		0	
15	07/09/2009		PG-ISSUE	PG-Pub Issue Notification		0	
12	06/22/2009		FLRCPT.O	Filing Receipt		0	
11	06/22/2009		M903	Notice of DO/EO Acceptance Mailed		0	
13	06/19/2009		OIPE	Application Dispatched from OIPE		0	
10	03/26/2009		PG-PB-DT	PG-Pub Notice of new or Revised projected publication date		0	
25	10/07/2008		IDSC	Information Disclosure Statement considered		0	
5	10/07/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
4	05/25/2008		L194	Cleared by OIPE CSR		0	
3	05/25/2008		SCAN	IFW Scan & PACR Auto Security Review		0	
26	05/14/2008		IDSC	Information Disclosure Statement considered		0	
14	05/14/2008		371COMP	371 Completion Date		0	
2	05/14/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
1	05/14/2008		IEXX	Initial Exam Team nn		0	
0.5	11/14/2006		NEFILE	International Filing date		0	

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MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Patent No. 8,071,771 : DECISION ON REQUEST FOR
Bell et al. : RECONSIDERATION OF
Issue Date: December 6, 2011 : PATENT TERM ADJUSTMENT
Application No. 12/085,005 : and
Filed: May 14, 2008 : NOTICE OF INTENT TO ISSUE
Atty Docket No. MRL-NOP-21962: CERTIFICATE OF CORRECTION
-US-PCT :

This is a decision on the petition filed on January 3, 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 seven hundred two (702) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred two (702) days is **GRANTED**.

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

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred two (702) days**.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,071,771 B2

DATED : December 6, 2011

DRAFT

INVENTOR(S) : Bell 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 710 days

Delete the phrase "by 710 days" and insert – by 702 days--



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Sunnyvale CA 94085-4040

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Application No. 12/085,006 :
Eduardo Motta CRUZ et al. : ON PETITION
Filed: August 9, 1999 :
Atty. Docket No. 15675P715 :

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

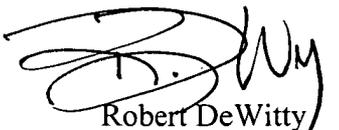
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed March 1, 2011 (outstanding Office action), which set a shortened statutory period for reply of three (3) months. A 3-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned September 2, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$ 1860, 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 2821 for consideration of the filed Response.


Robert DeWitty
Petitions Attorney
Office of Petitions



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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

MAILED

AUG 10 2010

In re Application of :
Carsten H. Poulsen :
Application No. 12/085,044 :
Filed: May 15, 2008 :
Attorney Docket No. 67029-001 :

OFFICE OF PETITIONS
DECISION ON PETITION

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 application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 31, 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 1, 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.

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

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

This application is being referred to Technology Center AU 2839 for appropriate action by the Examiner in the normal course of business on the reply received July 1, 2010.


April M. Wise
Petitions examiner
Office of Petitions



22 SEP 2010

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of LYSSIKATOS et al	:	
U.S. Application No.: 12/085,048	:	
PCT Application No.: PCT/US2006/044431	:	
Int. Filing Date: 15 November 2006	:	
Priority Date Claimed: 15 November 2005	:	
Attorney Docket No.: 064804-0066	:	DECISION
For: N4-PHENYL-QUINAZOLINE-4 -AMINE	:	
DERIVATIVES AND RELATED COMPOUNDS AS	:	
ERBB TYPE I RECEPTOR TYROSINE KINASE	:	
INHIBITORS FOR THE TREATMENT OF	:	
HYPERPROLIFERATIVE DISEASES	:	

This is in response to applicant's petition filed 14 October 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 15 November 2006, applicant filed international application PCT/US2006/044431, which claimed priority of an earlier United States application filed 15 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 15 May 2008.

On 15 May 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 October 2008, applicant filed the present petition under 37 CFR 1.497(d)

DISCUSSION

The petition states that D. David Hennings and Weidong Liu should be added as inventors.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 November 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 October 2008.

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



Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



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WASHINGTON, DC 20005-3096

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PCT LEGAL ADMINISTRATION

In re Application of LYSSIKATOS et al :
U.S. Application No.: 12/085,048 :
PCT Application No.: PCT/US2006/044431 :
Int. Filing Date: 15 November 2006 :
Priority Date Claimed: 15 November 2005 :
Attorney Docket No.: 064804-0066 :
For: N4-PHENYL-QUINAZOLINE-4 -AMINE :
DERIVATIVES AND RELATED COMPOUNDS AS :
ERBB TYPE I RECEPTOR TYROSINE KINASE :
INHIBITORS FOR THE TREATMENT OF :
HYPERPROLIFERATIVE DISEASES :

DECISION

This is in response to applicant's petition under 37 CFR 1.181 filed 16 September 2011.

BACKGROUND

On 15 November 2006, applicant filed international application PCT/US2006/044431, which claimed priority of an earlier United States application filed 15 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 15 May 2008.

On 15 May 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 14 October 2008, applicant filed newly executed declarations along with a petition under 37 CFR 1.48.

On 02 November 2010, the DO/EO/US mailed a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 14 October 2008 as the date under 35 U.S.C. 371(c).

On 16 September 2011, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition states that the declaration filed 15 May 2008 properly reflected the inventorship as of that date and that the declaration filed 14 October 2008 was submitted due to the preliminary amendment filed on 27 June 2008. Because the inventorship listed on the 15 May 2008 declaration was consistent with the inventorship listed in the international application, 35 U.S.C. 371(c)(4) and 37 CFR 1.497 was satisfied on 15 May 2008.

CONCLUSION

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

The Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 02 November 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 November 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 May 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a corrected filing receipt.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



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HORST M. KASPER
13 FOREST DRIVE
WARREN, NJ 07059

MAILED
SEP 22 2011
OFFICE OF PETITIONS

Applicants: Brian Vilborg
Appl. No.: 12/085,050
International Filing Date: November 15, 2006
Title: Strand-Shaped Product For Producing An Anticorrosive On A Substrate
Attorney Docket No.: STA202R3
Pub. No.: US 2010/0120533 A1
Pub. Date: May 14, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 6, 2010, for the above-identified application.

The request is dismissed.

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 December 6, 2010, was not timely filed under 37 CFR 1.221(b).

The application was forwarded to the Office of PCT Legal Administration for review of the application.

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

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).



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MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re :
Application No. 12/085,057 : DECISION REGARDING
Filed: May 14, 2008 : PATENT TERM ADJUSTMENT
Patent No. 7,851,464 : and NOTICE OF INTENT
Issued: December 14, 2010 : TO ISSUE
Attorney Docket No. MRL-NOP- : CERTIFICATE OF CORRECTION
21959-US-PCT :

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)", filed January 5, 2011. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred forty-two (142) days to one hundred fifty-eight (158) days.

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

On December 14, 2010, the application issued into Patent No. 7,851,464 with a patent term adjustment of one hundred forty-two (142) days. Patentees timely submitted an application for patent term adjustment on January 5, 2011, asserting that the correct number of days of PTA is one hundred fifty-eight (158) days. According to Patentees, the Office erroneously accorded sixteen (16) days of applicant delay under 37 CFR 1.704(c)(10) for the submission of an IDS on October 28, 2010, after the Office had mailed a Notice of Allowance on July 30, 2010. Patentees state that the IDS contained a 37 CFR 1.704(d) statement, and therefore no applicant delay should have been accorded.

A review of the IDS filed October 28, 2010 confirms that it contained a proper 37 CFR 1.704(d) statement. The statement read that "each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement".

Accordingly, the petition is granted.

In view thereof, the correct determination of PTA at the time of issuance is one hundred fifty-eight (158) days (158 days of PTO delay and 0 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 Certificate 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 fifty-eight (158)** 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

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,851,464 B2

DATED : December 14, 2010

INVENTOR(S) : Bell 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 142 days.

Delete the phrase "by 142 days" and insert – by 158 days--



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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Zollondz et al. :
Application No 12/085,127 : **ON PETITION**
Filed: May 16, 2008 :
Attorney Docket No.ZOLLONDZ 2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 August 3, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 4, 2011. A Notice of Abandonment was mailed on March 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 a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3654 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted in accordance with 37 CFR 1.114.

Charlema Grant
Attorney
Office of Petitions

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

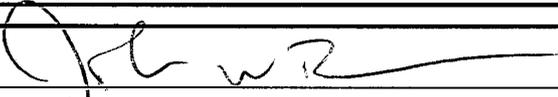
Nonprovisional Application Number or Control Number (if applicable): 12/085,146	Patent Number (if applicable):
First Named Inventor: Shinnosuke MORITA	Title of Invention: Sheet Processing Apparatus and Process of Producing Sheet

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(j).
 - 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 June 3, 2011
Name (Print/Typed) John W. Bailey	Practitioner Registration Number 32,881
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.	

mm

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

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

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of :
Morita et al. :
Application No. 12/085,146 : **DECISION ON PETITION**
Filed: May 16, 2008 :
Attorney Docket No. 0445-0393PUS1 :

This is a decision on the request filed June 3, 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 February 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 1746 for re-mailing the Office action of February 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



UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND
TRADEMARKS
Washington, D.C. 20231

Patent No. : 7,963,560B2
Application No.: 12/085,184
Issued : June 21, 2011
Inventor : Lars Holmgren

Re: Request for Certificate of Correction

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

Respecting the alleged error, on the title page item (62), is an editing change made in accordance with the style of the Invention Patent Manual. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R 1.322 or R 1.323.

In view of the foregoing, the change will read as followings:
Dec. 15, 2005 (EP).....05112233.1

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Eva James
For Mary Diggs
Certificates of Correction Branch
571-272-3422 or 703-756-1580

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, Virginia 20195

ej



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110**

**MAILED
AUG 02 2010
OFFICE OF PETITIONS**

In re Application of	:	
Micah James Atkin, et al.	:	
Application No. 12/085,251	:	DECISION ON PETITION
Filed: December 30, 2008	:	TO WITHDRAW
Attorney Docket No. 50365/004001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.

The request is **NOT APPROVED**.

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

The request cannot be approved because all three certifications have not been made on the PTO/SB/83 form. Boxes numbers 1 and 2 were left unchecked.

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 Terri Johnson at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110**

MAILED

SEP 21 2010

In re Application of	:	OFFICE OF PETITIONS
Micah James Atkin, et al.	:	
Application No. 12/085,251	:	DECISION ON PETITION
Filed: December 30, 2008	:	TO WITHDRAW
Attorney Docket No. 50365/004001	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 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. 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 Karen L. Elbing on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MYCROLAB PTY LTD.
70 HANOVER STREET
FITZROY, VICTORIA 3065
AUSTRALIA**



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
12/085,251	12/30/2008	Micah James Atkin	50365/004001

CONFIRMATION NO. 7686

POWER OF ATTORNEY NOTICE



Date Mailed: 09/13/2010

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2010.

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

/tsjohnson/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/085,301 05/21/2008 Takayoshi Kashiwagi 08337/LH 7167

7590 06/23/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

NGUYEN, DILINH P

ART UNIT PAPER NUMBER

2893

MAIL DATE DELIVERY MODE

06/23/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [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.

Handwritten signature of Nimi Turner
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,306	05/21/2008	Kentarou Takeda	081638	7712

7590 04/18/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

PEACE, RHONDA S

ART UNIT	PAPER NUMBER
2874	

NOTIFICATION DATE	DELIVERY MODE
04/18/2011	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 14, 2011

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

Re Application of
TAKEDA, KENTAROU, Et al : **DECISION ON PETITION**
Application No: **12/085306** : **ACCEPTANCE OF COLOR**
Filed: **05/21/2008** : **DRAWINGS**
Attorney Docket No: **081638** :

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) May 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,335	05/21/2008	Dean C. Webster	255.00220101	7638

26813 7590 09/22/2010
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

EXAMINER

NGUYEN, KHANH TUAN

ART UNIT PAPER NUMBER

1796

MAIL DATE DELIVERY MODE

09/22/2010

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

bc

Mailed:

SEP 22 2010

In re application of	:	
Dean C. Webster et al.	:	DECISION ON
Serial No. 12/085,335	:	PETITION
Filed: May 21, 2008	:	
For: CONDUCTIVE INK COMPOSITIONS	:	

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING WITHDRAWAL OF THE RESTRICTION REQUIREMENT filed on July 20, 2010.

On January 29, 2010, the examiner made a restriction requirement under 35 USC 121 and 372 based upon a finding that the claims lack unity of invention as defined in PCT Rules 13.1. In a response to the requirement filed on April 29, 2010, Applicants traversed the requirement with respect to Groups I- IV. The examiner maintained the restriction requirement in an Office action mailed on May 11, 2010 and made the requirement final.

The instant petition was filed on July 20, 2010 requesting that the requirement for restriction between Groups I- IV be withdrawn. Petitioner argues that unity of inventions, as required by PCT Rule 13, is present in the instant application. Specifically, all of the claimed inventions fall into the same category, i.e. product, and share the special technical features of "at least one monomer containing exactly one ethylenically unsaturated group and conductive particles." Alternatively, the Applicants request reconsideration and modification of the restriction requirement to at least join Group I, drawn to a conductive ink composition, with Group III, drawn to a conductive thermoplastic material.

DECISION

The instant application has been filed under 35 USC 371 as a national phase application of PCT/US2006/045220 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B and Chapter 10 of the WIPO PCT International Search and Preliminary Examination Guidelines.

PCT Rules 13.1 and 13.2 reproduced below:

13.1 Requirement

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").

13.2 Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled

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.

It is agreed that Groups I-IV share the common technical feature of "at least one monomer containing exactly one ethylenically unsaturated group and conductive particles." However, as set forth in the Office Action of May 11, 2010, this shared technical feature does not make a contribution over the prior art. Specifically, see the 35 USC 102(b) rejection over Ishimatsu (USPN 6,527,984). Thus, while the Groups meet the criteria of PCT Rule 13.1 for unity of invention, the Groups fail to have unity of invention under PCT Rule 13.2, because the shared common technical feature is not a "special technical feature".

Regarding the alternative request to modify the restriction requirement in the present petition, lack of unity of invention should neither be raised nor persisted in on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented, in relation to the state of the art as revealed by the international search. (see para. 10:04 of the WIPO Guidelines). In the present case, Groups I and III appear to be of a substantially similar scope, wherein the only significant difference is claim 1 of Group I requires an initiator. However, the use of initiators are quite conventional in the polymer art. Thus, it is agreed that there would be no significant burden on the examiner to have included the claims of Group III with Group I. It is noted that the original restriction requirement included a thermoplastic polymer species requirement (see Specie (d) of the requirement). This decision vacates this specific species requirement, since it is clear that claims 36-37 are drawn to an embodiment wherein photopolymerization is being performed and claims 38-39 are drawn to an embodiment wherein thermal polymerization is being performed. Species (c) of Group I encompasses these distinct embodiments.

The petition to withdraw the restriction requirement is GRANTED-IN-PART. Specifically, the examiner's restriction requirement is modified from four (4) claim groupings to two (2) claim groupings. Group I, the elected invention, consists of claims 1-30 and 35-51 and Group II consists of claims 31-34 and 42-58. The species restriction, which was not traversed in the present petition, is modified by excluding species (d). This application is being returned to the examiner for a new Office Action commensurate in scope with this decision.

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

VICTORIA A. SANDBERG
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336



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WENDEROTH, LIND & PONACK, LLP
1030 15TH STREET, NW
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Yasufumi Kaneda, et al.	:	
Application No. 12/085,355	:	DECISION GRANTING PETITION
Filed: May 22, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2008_0920A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 6, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on September 2, 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 1648 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Patent No. 8,075,682 :
Issue Date: December 13, 2011 :
Application No. 12/085,385 :
Filed: May 22, 2008 :
Dkt. No. LEVASHOV ET AL - 1 PCT :

ON PETITION

This is a decision on the request for issuance of a certificate of correction filed December 9, 2011.

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 (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17 (i) of this chapter.

The instant petition has been reviewed and found to comply with the requirements of 37 CFR 3.81(b). According, the instant petition is hereby **GRANTED**.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch.

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

Alesia M. Brown
Attorney Advisor
Office of Petitions



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JUL 25 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
SCHOEN, et al.	:	DECISION ON PETITION
Application No.: 12/085,407	:	
PCT No.: PCT/NL2005/000807	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 22 November 2005	:	
Priority Date: 22 November 2005	:	
Atty. Docket No.: 294-314 PCT/US	:	
For: MULTIPLEX NUCLEIC ACID DETECTION	:	

The petition to revive under 37 CFR 1.137(b) filed 29 April 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 currently provided a compliant raw sequence listing which has been entered by the Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC). 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

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

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Stephan Bartel et al. :
Application No. 12/085,543 :
Filed: February 17, 2009 :
Attorney Docket No. BHC 051104 PCT-US :

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 15, 2010. A Notice of Abandonment was mailed on December 28, 2010.

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

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

This application is being referred to Technology Center AU 1626 for appropriate action by the Examiner in the normal course of business on the reply received January 20, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
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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FEB 22 2012

OFFICE OF PETITIONS

**KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004**

**In re Application of
Michael Stephen ROBERTS et al
Application No.: 12/085,645
Filed: July 14, 2009
Attorney Docket No.: 13164/7
For: ORAL THERAPEUTIC
COMPOUND DELIVERY SYSTEM**

**: REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the IPAU, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the IPAU, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the IPAU, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

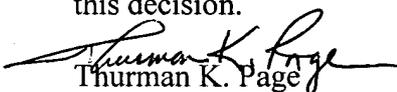
- iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the IPAU application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU 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 IPAU 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 IPAU application is a first action allowance then no office action from the IPAU is necessary should be indicated on the request/petition form;
 - b. An English language translation of the IPAU 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 IPAU examiner in the IPAU 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 request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Thurman K. Page at 571-272-0602.

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.


Thurman K. Page
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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JAN 10 2011

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

PCT LEGAL ADMINISTRATION

In re Application of	:	
RUDSHAUG et al.	:	DECISION
App. No.: 12/085,673	:	
PCT No.: PCT/NO06/00457	:	
Int. Filing Date: 04 December 2006	:	
Priority Date: 02 December 2005	:	
Attorney Docket No.: 2810-56	:	
For: TOP DRIVE DRILLING APPARATUS	:	

This is in response to applicant's "Petition for Review by PCT Legal Office- Refund Request" filed in the United States Patent and Trademark Office on 30 September 2010.

BACKGROUND

On 04 December 2006, applicant filed international application PCT/NO2006/00457, which claimed priority of an earlier Norwegian application filed 02 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 02 June 2008.

On 29 May 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by small entity fees.

On 09 December 2008, applicant filed a request under 37 CFR 1.28(c)¹. On 30 September

¹ 37 CFR 1.28(c) states,
How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1) Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and

2010, the instant request was filed.

DISCUSSION

Applicant's request on 09 December 2008 included a proper itemization of the deficiency payment and the payment itself (\$515) in accord with 37 CFR 1.28(c). Applicant's error in asserting small entity status was excused.

Thereafter, the USPTO finance records were corrected to reflect the change in status in the national stage fees. A review of the finance records indicate that the additional fees

itemizations are required for each application or patent. See § 1.4(b).

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

(3) Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

App. No.: 12/085,673

3

incorrectly charged to applicant's deposit account on 08 June 2010 were thereafter refunded on 02 September 2010.

CONCLUSION

For the reasons above, the request for refund is **DISMISSED AS MOOT**.

This application is being returned to Technology Center AU 3672.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
571-272-3286

**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): 12/085,686	Patent Number (if applicable):
First Named Inventor: TAKAGI, Yoshimasa	Title of Invention: Part for Producing Castings and Process of ..

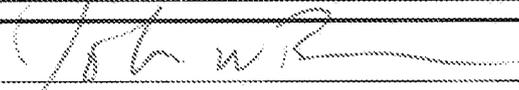
APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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 	Date JUN 24 2011
Name (Print/Typed) John W. Bailey	Practitioner Registration Number 32,881
<i>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*.</i>	
<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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of :
Takagi et al. :
Application No. 12/085,686 : DECISION ON PETITION
Filed: October 29, 2008 :
Attorney Docket No. 0445-0394PUS1 :

This is a decision on the request filed June 24, 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 February 25, 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 1741 for re-mailing the Office action of February 25, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,700	05/29/2008	Edward Burkitt	2005P20700WOUS	1763

22116 7590 03/30/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

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

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



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12085700	5/29/08	BURKITT, EDWARD	2005P20700WOUS

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

William H. Rodríguez

ART UNIT	PAPER
3741	20110329

3741

20110329

DATE MAILED:

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

Commissioner for Patents

Inventorship

1. In view of the papers filed 03/31/2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Gareth Huw Davies as an inventor.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

William H. Rodríguez/
Primary Examiner, Art Unit 3741



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Raymond Y. Chan
108 N. Ynez Ave., Suite 128
Monterey Park CA 91754

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LI :
Application No.: 12/085,706 :
PCT No.: PCT/CN2005/002258 :
Int. Filing Date: 20 December 2005 :
Priority Date: 22 December 2004 :
Atty. Docket No.: USP3291C/SZ117-SZZ :
For: ASSEMBLED MAGNETIC ENERGY :
GENERATOR AS WELL AS ITS... :

DECISION

This is a decision on applicant's "Response" filed in the U.S. Patent and Trademark Office (USPTO) on 10 January 2011, which has been treated as a petition under 37 CFR 1.181 requesting that the present application file be considered an erroneously created duplicate filing of earlier application No. 10/586,405. The petition is **GRANTED** as discussed below.

A review of the '405 and '706 application files, reveals that on 29 May 2008, applicant filed a status request in the '405 application and that, instead of placing the request in the '405 file, the National Stage Processing Branch of the International Division mistakenly created the '706 application file.

Therefore, all notifications and office actions in the '706 file were issued in error and are hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the moving of all the papers in the present file to application No. 10/586,405, the refunding all monies collected in this file, and the cancelling of application No. 12/085,706.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 01 2011

OFFICE OF PETITIONS

Avia Kafri
22Shderot Chen St.
Tel Aviv 64166 IL ISRAEL

In re Application of^v :
Amnon WEICHSELBAUM et al. : ON PETITION
Application No. 12/085,708 :
Filed: May 29, 2008 :
Atty. Docket No.: 4.9 08 NUS :

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

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136 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 respond in a timely manner to the non-final Office action mailed March 15, 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 June 16, 2011. A Notice of Abandonment was mailed October 17, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The petition lacks items (1) and (2).

Regarding item (1), it is noted the reply provided with the instant petition fails to include the signatures of all the named inventors, and inventor Jaime de al Zerda has not been given power of attorney from all the inventors.

Regarding item (2), petitioner has paid \$810 toward the petition fee, however the present petition fee as of September 26, 2011 is \$930. As petitioner has not provided a deposit account number, the Office was unable to charge the \$120 difference.

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

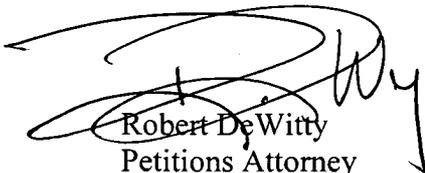
Further correspondence with respect to this matter should be addressed as follows:

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


Robert DeWitty
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 09 2012

OFFICE OF PETITIONS

**Avia Kafri
22 Shderot Chen St.
Tel Aviv 64166 IL ISRAEL**

In re Application of :
Amnon WEICHSELBAUM et al. : ON PETITION
Application No. 12/085,708 :
Filed: May 29, 2008 :
Atty. Docket No.: 4.9 08 NUS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

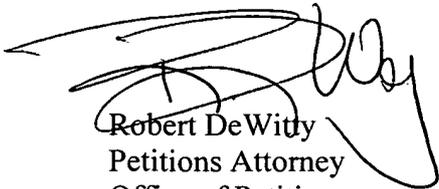
The application became abandoned for failure to respond in a timely manner to the non-final Office action mailed March 15, 2011 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned June 16, 2011. A Notice of Abandonment was mailed October 17, 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 Office action mailed March 15, 2011, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

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 2886 for consideration of the filed Response with the instant petition.



Robert DeWitty
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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ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Le Naour et al. :
Application Number: 12/085,711 : ON PETITION
Filing Date: 05/28/2008 :
Attorney Docket Number: :
PF050188 :

This is a decision on the "REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on December 9, 2010.

The petition is **DISMISSED**.

This application became abandoned on July 3, 2010, for failure to timely submit a response to the Notice of Non-Compliant Amendment (37 CFR 1.121) (hereinafter "the Notice") mailed on June 2, 2010, which set a one (1) month shortened period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on October 13, 2010.

Petitioners aver that the Notice mailed on June 2, 2010, was never received. In support, petitioners have included a copy of the screen shot of counsel's docketing system, indicating that the Notice mailed on June 2, 2010, was not received. A copy of a record which appears to be a file jacket for the above-referenced application has also been included.

A review of the record indicates no irregularity in the mailing of the Notice mailed on June 2, 2010, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice mailed on June 2, 2010 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice mailed on June 2, 2010 was not in fact 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).

(emphasis added)

The showing of record is insufficient to warrant withdrawal of the holding of abandonment.

It is unclear whether the record supplied is a copy of the master docket. Petitioner must explain whether or not this is a master docket. 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.

Furthermore, practitioner must state that the Notice 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 Notice was not received. Any renewed petition must include the subject statement.

A copy of the record(s) used by the practitioner where the non-received Notice 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 Notice should include the master docket for the firm. That is, if a one month period for reply was set in the nonreceived Notice, a copy of the master docket report showing all replies docketed for a date one month from the mail date of the nonreceived Notice must be submitted as documentary proof of nonreceipt of the Notice. 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 petition is **DISMISSED**. However, the dismissal is without prejudice to reconsideration pending submission of the information requested above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**¹

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

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

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

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

Correspondence may also be filed by the Electronic Filing System of the USPTO.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

¹ 37 CFR 1.181(f).



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P.O. Box 1450
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ROBERT D. SHEDD, PATENT OPERATIONS
THOMSON LICENSING LLC
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of :
Le Naour et al. :
Application No. 12/085,711 :
Filing Date: 05/28/2008 :
Attorney Docket Number: :
PF050188 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 3, 2010, for failure to timely respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on June 2, 2010, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on October 13, 2010.

Receipt of the reply filed on December 9, 2010, is acknowledged.

The application is referred to Technology Center Art Unit 2821 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

04-5-11

1F



**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): 10/085,747	Patent Number (if applicable):
First Named Inventor: Yoshihiro Watanabe	Title of Invention: Article such as surfboard and production...

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.

MIZUO. 010AUS

**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 April 11, 2011
Name (Print/Typed) Yasuo Muramatsu	Practitioner Registration Number 38,684
<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.	



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

**MAILED
APR 26 2011
OFFICE OF PETITIONS**

In re Application of :
Yoshihiro Watanabe :
Application No. 12/085,747 : **DECISION ON PETITION**
Filed: May 29, 2008 :
Attorney Docket No. MIZUNO.010AUS :

This is a decision on the request filed April 13, 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 1, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

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

This application is being referred to the Technology Center, Art Unit 3617 for re-mailing the Office action of February 1, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

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NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of
EDOUARD et al
Application No.: 12/085,791
PCT No.: PCT/EP2006/068776
Int. Filing Date: 22 November 2006
Priority Date: 01 December 2005
Attorney's Docket No.: PF050189
For: METHOD OF PREDICTING MOTION
AND TEXTURE DATA

: DECISION ON

: PETITION UNDER

: 37 CFR 1.137(a)

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a).... Defective Response," filed on 27 August 2010.

BACKGROUND

On 22 November 2006, this international application was filed, claiming an earliest priority date of 01 December 2005. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 01 June 2008.

On 30 May 2008, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 20 March 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment

On 01 May 2009, applicants filed an improper executed composite declaration.

On 25 August 2009, the USPTO mailed a NOTIFICATION OF DEFECTIVE RESPONSE (PCT/DO/EO/916), *inter alia*, indicating that the current oath ... you have three inventor listed as #3 sole joint inventors, there be only 1, 3rd inventor.

On 14 June 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the application was abandoned for failure to respond to notice of defective response(916) mailed 8/25/09.

On 27 August 2010, applicants filed the instant petition under 37 CFR 1.137(a), which was accompanied by the petition fee and a properly executed composite declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 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 § 1.17(l); (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition is not deemed to satisfy the requirements under 37 CFR 1.137(a). Petitioner has satisfied items (1) – (2) but not item (3) under 37 CFR 1.137(a). In this application, no terminal disclaimer is required.

Petitioner has provided: (1) the proper reply by submitting a properly executed composite declaration.

With respect to item (2), petitioner has provided the proper petition fee set forth in §1.17(l) of 540.00 as it has been charged to Deposit Account No.: 07- 0832 as provided in petitioner's petition letter. The incorrect petition fee of \$1,620 has been refunded to the Deposit Account No.: 07-0832.

With respect to item (3), the showing of record by petitioner is inadequate to establish an unavoidable delay within the meaning of 37 CFR 1.137(a).

A petition under 37 CFR 1.137 cannot be granted unless it meets the minimal unintentional delay threshold. That is, an intentional delay precludes revival under either 37 CFR 1.137(a) (i.e., unavoidable delay), or 37 CFR 1.137(b)(i.e., "unintentional delay"). See In re Maldague, 10 USPQ2d 1477, 1478 (Comm'r Pat 1988). This is a very stringent standard. 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.

Petitioner's subsequent submission of a properly executed declaration does not raise to a level of unavoidable delay.

Accordingly, the petition is deemed not to satisfy the requirements under 37 CFR 1.137(a). Therefore, because petitioner has not satisfied item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper.

RECOMMENDATION

As an alternative, applicants may request revival of the application via petition under 37 CFR 1.137(b), which is a lower threshold to satisfy than the unavoidable standard.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. Note MPEP 711.03(c)

This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

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

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



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED
MAR 24 2011

In re Application of : DECISION ON PCT LEGAL ADMINISTRATION
EDOUARD et al :
Application No.: 12/085,791 :
PCT No.: PCT/EP2006/068776 :
Int. Filing Date: 22 November 2006 : PETITION UNDER
Priority Date: 01 December 2005 :
Attorney's Docket No.: PF050189 :
For: METHOD OF PREDICTING MOTION :
AND TEXTURE DATA : 37 CFR 1.137(b)

This decision is responsive to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed on 24 January requesting the acceptance of the executed declaration. The petition fee has been charged to Deposit Account No.: 07-0832.

BACKGROUND

In a decision from this Office on 02 November 2010, the petition under 37 CFR 137(a) was dismissed because item (3) was not met.

On 24 January 2011 applicants submitted the instant petition under 37 CFR 1.137(b) submitting a proper executed composite declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting a properly executed declaration, (2) the petition fee set forth in §1.17(m) for \$1,620.00 has been charged to Deposit Account No.: 07-0832 as the prior fee had been refunded and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **24 January 2011**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Examiner
Work (703) 308-6312
Fax (703) 308-6459



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OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of :
Harld MISCHAK et al. :
Application No. 12/085,848 : NOTICE UNDER 37 CFR. 1.27
Filed: October 15, 2008 :
Attorney Docket No. 175.8794USU :

This is in response to the paper filed April 26, 2010 under 37 CFR 1.27(c) seeking status as a small entity.

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

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

This application is being forwarded to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business.


Thurman K. Page
Petitions Examiner
Office of Petitions



Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford CT 06901

MAILED

JAN 28 2011

PCT LEGAL ADMINISTRATION

In re Application of:
SCHEFFER et al.

Application No.: 12/085,852

PCT No.: PCT/EP2006/069135

Int. Filing Date: 07 June 2007

Priority Date: 01 December 2005

Attorney's Docket No.: 175.8795USU

For: BICYCLE SADDLE

:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.182**
:
:
:

This decision is issued in response to applicant's Petition under 37 CFR 1.182 filed 01 November 2010. The petition seeks to correct the bibliographic data for the national stage application papers filed 30 May 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2006/069135.

BACKGROUND

On 31 August 2010, applicant was mailed a communication detailing the discrepancy between international application numbers on the transmittal letter and other filing papers such as the published PCT application.

On 01 November 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2006/069135. An examination of the originally filed papers finds that the correct international application number was listed on the published PCT application filed 30 May 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 30 May 2008 and to permit such materials to be treated as having been directed to international application PCT/EP2006/069135.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

Application No.: 12/085,852

-2-

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2006/069135.

This application is being forwarded to the United States Designated/Elected Office for further processing.



Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298



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Fulbright & Jaworski, LLP
666 Fifth Avenue
New York, NY 10103-3198

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of :
Pascal Brault et al. :
Application No. 12/085,874 : **DECISION ON PETITION**
Filed: March 12, 2009 : **TO WITHDRAW**
Attorney Docket No. GRYN252US : **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 19, 2011.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because no proper forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
Pascal Brault et al. :
Application No. 12/085,874 :
Filed: March 12, 2009 :
Attorney Docket No. GRYN252US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 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 Jody C. Bishop, on behalf of all attorneys/agents associated with customer number 24972. All attorneys/agents associated with customer number 24972 have been withdrawn.

The correspondence address provided on the request is not acceptable. Since a change of correspondence address was filed by the applicant on October 17, 2010 and accepted by the Office, the request will be granted. The address of record will remain the same, 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: IM IP Law, PLLC
P.O. Box 355
Scarsdale, NY 10583



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/085,874	03/12/2009	Pascal Brault	GRYN252US

24972
FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

CONFIRMATION NO. 4376
POWER OF ATTORNEY NOTICE



Date Mailed: 07/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/29/2011.

- 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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**IM IP Law PLLC
P.O. Box 355
Scarsdale NY 1058**

MAILED

MAY 31 2011

In re Application of	:	OFFICE OF PETITIONS
Pascal Brault	:	
Application No. 12/085,875	:	DECISION ON PETITION
Filed: January 9, 2009	:	TO WITHDRAW
Attorney Docket No. GRYN253US	:	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 19, 2011.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because no forwarding address was provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request. The most current address of the inventor/assignee is needed.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
Pascal Brault et al. :
Application No. 12/085,875 :
Filed: January 9, 2009 :
Attorney Docket No. GRYN253US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 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 Jody C. Bishop, on behalf of all attorneys/agents associated with customer number 24972. All attorneys/agents associated with customer number 24972 have been withdrawn.

The correspondence address provided on the request is not acceptable. Since a change of correspondence address was filed by the applicant on October 17, 2010 and accepted by the Office, the request will be granted. The address of record will remain the same, 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: IM IP Law, PLLC
P.O. Box 355
Scarsdale, NY 10583

12 AUG 2010



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Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

In re Application of :
DIXON, Julie, et al. :
Application No.: 12/085,880 :
PCT No.: PCT/US2006/046081 :
Int. Filing Date: 01 December 2006 :
Priority Date: 02 December 2005 :
Docket No.: 5250 [66616(304795)] :
For: SUBSTITUTED :
4-AMINO-PYRROLOTRIAZINE :
DERIVATIVES USEFUL FOR :
TREATING :
HYPER-PROLIFERATIVE :
DISORDERS AND DISEASES :
ASSOCIATED WITH :
ANGIOGENESIS :

DECISION

This is a decision on applicants' response to decision on renewed petition, filed in the United States Patent and Trademark Office on 18 June 2010.

On 06 May 2010, the Office mailed Decision On Petition, dismissing applicants' petition under 37 CFR 1.47(a) as moot, but requiring a complete declaration from inventor Lei Wang and setting a two month period for response.

On 18 June 2010, applicants filed a renewed petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

The declaration of Lei Wang submitted on 18 June 2010 completes the requirement of an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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P.O. BOX 55874
BOSTON MA 02205

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Minoru Yoshida et al :
Application No. 12/085,960 : **DECISION ON PETITION**
Filed: June 3, 2008 :
Attorney Docket No. 81922(302760) :

This is a decision on the petition, filed January 28, 2011, 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 file a proper reply to the Office action mailed September 24, 2010. The period for reply expires 6 months from the mailing date of the final Office action on June 22, 2010.

The petition states that "In the instant case, Applicants timely filed a complete response to the Office Action dated June 22, 2010 on September 13, 2010, followed by a timely and complete RCE and one month Petition for Extension of Time on October 21, 2010. It appears from the record that the abandonment is not warranted and may have simply been an oversight of the RCE where it was properly indicated in box 1a, that the submission was the response previously filed on September 13, 2010."

A review of the file record indicates the above. Therefore, 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 3644 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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24118
HEAD, JOHNSON & KACHIGAN
228 W. 17TH Place
Tulsa, OK 74119

MAILED

APR 06 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BADYAL *et al* :
U.S. Application No.: 12/085,985 :
PCT No.: PCT/GB2006/001052 :
Int. Filing Date: 24 March 2006 :
Priority Date: 24 March 2005 :
Docket No.: GRE273-181/07446 :
For: A METHOD FOR PRODUCING AN :
ALDEHYDE CONTAINING COATING :

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 15 February 2011 is hereby **GRANTED** as follows:

An acceptable CRF (Computer Readable Form) sequence listing was provided with the subject petition. The petition fee for a large entity has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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**HEAD, JOHNSON & KACHIGIAN
228 W. 17TH PLACE
TULSA OK 74119**

MAILED

NOV 22 2011

OFFICE OF PETITIONS

Applicant: Badyal, et al.

Appl. No.: 12/085,985

International Filing Date: March 24, 2006

Title: METHOD FOR PRODUCING AN ALDEHYDE CONTAINING COATING

Attorney Docket No.: GRE273-181/07446

Pub. No.: US 20110177255 A1

Pub. Date: July 21, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 22, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the publication in the assignee's name.

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 assignee's name is not a material error under 37 CFR 1.221(b), 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. See MPEP 1130.

On April 14, 2011, a Filing Receipt was mailed by the Office, which indicated "UNIVERSITY OF DURHAM" as assignee. 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.

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).

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

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

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

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

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,989	06/04/2008	Ioannis Vlachos	99348-260127	4707

7590
Andrew C Aitken
P.O Box 1810
Wheaton, MD 20915

02/01/2011

EXAMINER

BLANCO, JAVIER G

ART UNIT	PAPER NUMBER
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3774

MAIL DATE	DELIVERY MODE
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02/01/2011

PAPER

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

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



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Andrew C Aitken
P.O Box 1810
Wheaton MD 20915

In re Application of:
VLACHOS, IOANNIS
Serial No.: 12/085,989
Filed: June 4, 2008
Docket: 99348-260127
Title: HIP RESURFACING IMPLANT

DECISION ON PETITION
under 37 CFR 1.181

This is a decision on the petition filed on January 12, 2011 filed under 37 CFR 1.181 seeking to have the rejection of claims 1-4 in the Examiner's Answer mailed on November 10, 2010 be designated as a new ground of rejection.

The petition is being considered pursuant to 37 CFR 1.181 and no fee is required.

The petition is DISMISSED.

The following relevant facts include:

1. In response to the non-final Office action of June 5, 2009, the applicant on November 6, 2009 filed a Rule 111 amendment. In the amendment, the applicant has substantively amended claims 1 and 2 and added new claims 3 and 4.
2. On February 19, 2010, the final rejection was issued. In the final rejection, the examiner rejected claims 1, 3 and 4 under 35 U.S.C. 102(b) as being anticipated by Lakin (US 20030163202). Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakin (US 20030163202) in view of Caracciolo (US 5725593). In accordance with M.P.E.P. § 706.07(a), the examiner made the Office action final because the applicant's amendment necessitated the new ground(s) of rejection.
3. The applicant filed a Rule 116 Amendment on May 19, 2010. The applicant amended claim 1 substantively and traversed the rejections.

4. On June 16, 2010, the examiner sent an Advisory Action. In refusing entry of the Rule 116 amendment, the examiner stated that the amendment to claim 1 raises new issue that would require further consideration and/or search.

5. On August 25, 2010, an Appeal Brief was filed.

6. In response, an Examiner's Answer was sent on November 10, 2010. In the Examiner's Answer, all final rejection of claims were unchanged and maintained. In the Response to Arguments, the examiner also answered all arguments presented in the Appeal Brief.

7. On January 12, 2011, the applicant filed the current petition arguing that the examiner has improperly introduced new grounds of rejection in the Examiner's Answer of November 10, 2010. The applicant, in essence, is requesting the rejection of claims 1-4 of the Examiner's Answer to be designated as new ground of rejection because the examiner has introduced new arguments in his Examiner Answer. In the petition, petitioner argues that the examiner for the first time contends that the "preload tension wire" and "nut-washer combination" of claimed 1 are not positively recited. This issue should have been brought in the final rejection. In the arguments section of the Examiner Answer, the examiner also relied upon a different structure and a different reference. Therefore, petitioner believes this constitutes new grounds of rejection which is improper.

8. On January 12, 2011, the applicant filed a Reply Brief. In the Reply Brief, the appellant fully addressed the alleged new arguments/rejections of claims 1-4. In particular, the appellant believes, *inter alia*, that the claims as presented, properly interpreted, serve to adequately limit the claims and distinguish from the prior art.

Discussion and Analysis

A comparison of Paragraphs 5 and 7 of the final Office action of February 19, 2010 and Paragraph 9 of the Examiner's Answer November 10, 2010 shows that there is no new ground of rejection in the Examiner's Answer that was not stated in the final Office action. In the petition, petitioner argues that the examiner's new arguments regarding the "preload tension wire" and "nut-washer combination" of claimed 1 constitute new grounds of rejection of claims 1-4. Petitioner believes that the Examiner Answer contains new grounds of rejection. However, a careful study of the final rejection of February 19, 2010 and the Examiner Answer of November 10, 2010 does show that the rejections of claims were based on the same grounds of rejection under 35 USC 102(b) as anticipated by Lakin (US 20030163202) and under 35 USC 103 (a) as unpatentable over Lakin (US 20030163202) in view of Caracciolo (US 5725593). The rejections of claims were never changed. The Examiner's Answer of November 10, 2010 simply does not show any new grounds of rejection. The alleged new arguments in the Examiner's Answer appear to be rebuttals to the appellant's arguments presented in the Appeal Brief. The arguments in the Response to Arguments section of the Examiner's Answer do not constitute new grounds of rejection. The examiner's rebuttal arguments of Paragraph 10

of the Examiner's Answer do not alter the grounds of rejection presented in the Paragraph 9 of the Examiner's Answer. The rebuttal arguments in Paragraph 10 do not change the basis of the rejection under 35 USC § 102 and 103 as set forth in Paragraph 9 of the Examiner's Answer. It should be noted that there is no new ground of rejection when the basic thrust of the rejection remains the same. In this case, the statutory basis for the rejection and the evidence relied upon in support of the rejection remained the same in the Examiner's Answer of November 10, 2010. Petitioner should also note that even if the suggestion to characterize the examiner's rebuttal arguments in the Examiner's Answer of November 10, 2010 as new grounds of rejection were persuasive, which it is not, the appellant still would have had a fair opportunity to react to these rebuttal arguments in the Reply Brief as permitted under 37 CFR 41.41(a) (1). In such a circumstance, a change in the discussion of, or rationale in support of, a change of arguments, if any, the examiner's rebuttal arguments do not necessarily constitute a new ground of rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425,426-27 (CCPA 1976); MPEP § 1207.03 (III)¹. In this case, the appellant in fact did file a Reply Brief on January 12, 2011 to fully react to the examiner's rebuttal arguments of the Examiner's Answer of November 10, 2010. A fair opportunity to react to the examiner's rebuttal arguments was already provided. In the petition, petitioner failed to identify any particular rejection under Paragraph 9 of the Examiner's Answer which constitutes new ground of rejection. Under the circumstances, there is no reason to compel the examiner to enter the Rule 116 amendment of May 21, 2010 and re-open prosecution.

Conclusion

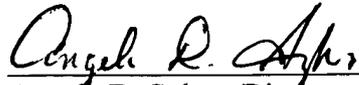
For the foregoing reasons, the relief requested by petitioner will not be granted. The application is being returned to the examiner via the Supervisory Patent Examiner of Art Unit 3774 to consider the Reply Brief filed on January 12, 2011 and forward to the Board of Patent Appeals and Interference for 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). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

¹ MPEP 1207.03 III states in pertinent part: There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. *Id.* at 1303, 190 USPQ at 427 (reliance upon fewer references in affirming a rejection under 35 U.S.C. 103 does not constitute a new ground of rejection).

The petition is dismissed.



Angela D. Sykes, Director
Technology Center 3700



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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/085,989	06/04/2008	Ioannis Vlachos	99348-260127	4707

7590
Andrew C Aitken
P.O Box 1810
Wheaton, MD 20915

04/29/2011

EXAMINER

BLANCO, JAVIER G

ART UNIT	PAPER NUMBER
3774	

MAIL DATE	DELIVERY MODE
04/29/2011	PAPER

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

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



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Andrew C Aitken
P.O Box 1810
Wheaton MD 20915

In re Application of:
VLACHOS, IOANNIS
Serial No.: 12/085,989
Filed: June 4, 2008
Docket: 99348-260127
Title: HIP RESURFACING IMPLANT

:
:
:
: DECISION ON PETITION
: under 37 CFR 1.181
:
:
:

This is a decision on the renewed petition filed on April 4, 2011 by which petitioners request reconsideration of the earlier decision mailed on February 1, 2011 to seeking to have the rejection of claims 1-4 in the Examiner's Answer mailed on November 10, 2010 be designated as a new ground of rejection. The petition is considered pursuant to 37 CFR § 1.181, and no fee is required.

The petition is denied as untimely.

The relevant facts were stated in the earlier decision mailed on February 1, 2011 and will not be repeated here. It should be noted that the applicant has filed a Reply Brief filed on January 12, 2011. In the letter of March 24, 2011, the examiner has acknowledged the Reply Brief of January 12, 2011. The examiner also indicated the Reply Brief has been considered and entered of record for consideration by the Board. In this case, the appellant in fact did file a Reply Brief on January 12, 2011 to fully react to the examiner's rebuttal arguments of the Examiner's Answer of November 10, 2010. A fair opportunity to react to the examiner's rebuttal arguments was already provided. Since the renewed petition fails to add anything new that is persuasive to cause reversal of the earlier decision. The relief requested by petitioner to declare the rejection of claims 1-4 in the Examiner's Answer mailed on November 10, 2010 be designated as a new ground of rejection will not be granted. The decision is maintained.

A further review of the file record shows that the instant renewed petition filed on April 4, 2011 contains no signed certificate of mailing. The renewed petition filed on April 4, 2011 was filed more than two months after the mailing date of the earlier decision of

February 1, 2011. Pursuant to 37 CFR 1.181(f)¹, the renewed petition is not timely filed since the petition was not filed within two months from the mailing date of the earlier decision. As the renewed petition was not timely filed, the request to designate the rejection of claims 1-4 in the Examiner's Answer mailed on November 10, 2010 as a new ground of rejection will not be granted. Based on the reasons as stated above, petitioner's requested relief will not be granted and hereby denied as untimely.

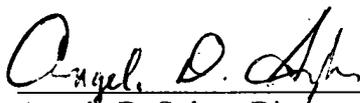
Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. Accordingly, the Examiner's Answer of November 10, 2010 stands. Petitioner's request to designate the rejection of claims 1-4 in the Examiner's Answer mailed on November 10, 2010 as a new ground of rejection is denied. Since the appeal has been docketed by the Board on April 8, 2011, the application is being returned to the Board awaiting its 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). 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).

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

Accordingly, the petition is denied.



Angela D. Sykes, Director
Technology Center 3700

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/086,005	06/04/2008	Hideki Tokimoto	1163-0670PUS1	4660
2292	7590	01/20/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			ARBES, CARL J	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3729	
			NOTIFICATION DATE	DELIVERY MODE
			01/20/2011	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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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:
TOKIMOTO, HIDEKI
Serial No.: 12/086,005
Filed: June 4, 2008
Docket: 1163-0670PUS1
Title: TEMPORARILY FIXING DEVICE

::
:: DECISION ON REQUEST
: TO PARTICIPATE IN
:: PATENT PROSECUTION
HIGHWAY (PPH) 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 Jan. 18, 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 corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Dexter Tugbang, Acting SPE of Art Unit 3729, and 571-272-4570 for Class 29/760 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



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

MAILED

FEB 06 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of
Young Sic Jeong
Application No. 12/086,048
Filed: June 5, 2008
Attorney Docket No: 1998.1025

This is a decision on the petition to withdraw the holding of abandonment, filed January 17, 2012, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513, which is being treated under 37 CFR 1.181.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely response to the non-Final Office Action mailed April 13, 2011, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed November 17, 2011. Petitioner asserts that the Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address previously used on all correspondences from the USPTO, including the Notice of Abandonment which was received. Petitioner has provided a copy of the docket to show that the Office Action mailed April 13, 2011 was not received. Petitioner also explains that after searching the file and docket records, where receipt of the office action would have been indicated if it had been received, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Office Action mailed April 13, 2011, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2166 for a re-mailing of the non-Final Office Action and for a restarting of the period for response.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

30 SEP 2010



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P.O. Box 1450
Alexandria, VA 22313-1450
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Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

In re Application of :
DÄUBLER, Manfred, et al. :
Application No.: 12/086,110 : DECISION ON
PCT No.: PCT/DE2006/002122 :
Int. Filing Date: 30 November 2006 : REQUESTS
Priority Date: 07 December 2005 :
Attorney Docket No.: 5038.1064 : UNDER 37 CFR 1.42 and 1.43
For: METHOD FOR MANUFACTURING A :
RUN-IN COATING :

This decision is in response to applicant's renewed requests for status under 37 CFR 1.42 and 1.43, filed in the United States Patent and Trademark Office on 21 September 2009.

BACKGROUND

On 22 July 2009, the Office mailed Decisions On Petitions, refusing applicant's requests for status, setting a two month period for reply.

On 21 September 2009, applicants filed these renewed requests for status.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42. Under 37 CFR 1.43, in the event of legal incapacitation of an inventor, "the legal representative ... of such inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In this application, the inventor is deceased and one of his heirs is legally incapacitated. The declaration must list the inventor and his citizenship and the legal representatives of the deceased and their citizenships, residences and mailing addresses and the legal representative of the legally incapacitated legal representative and that legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The 21 September 2009 declaration satisfies the requirements of 37 CFR 1.497(a)-(b), 1.42 and 1.43.

The submission of the declaration by the heirs on behalf of a deceased inventor is understood to mean that a legal representative has not been appointed for the deceased, nor is

one required to be appointed under applicable law and that the authority of the heirs is akin to that of a legal representative. If this understanding is not correct, applicant must notify the Office immediately and supply a declaration executed by the legal representative.

CONCLUSION

For the above reasons, the requests for status under 37 CFR 1.42 and 1.43 are **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292



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MCCARTER & ENGLISH, LLP STAMFORD
CANTERBURY GREEN
201 BROAD STREET, 9TH FLOOR
STAMFORD CT 06901

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of :
Finn Bjarke Christensen :
Application No. 12/086145 :
Filing or 371(c) Date: 06/06/2008 : LETTER
Attorney Docket Number: 119969.00002 :

This correspondence is regarding the request for acceptance of a fee deficiency submission. The request is treated as a petition under 37 CFR 1.28.

Any further petition must be submitted within ONE (1) MONTH 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.

Applicant files the present submission and \$704.00, and an itemization of the amount paid and current applicable fee for the relevant fees paid.

The applicable Rule, 37 CFR 1.28(c), How errors in small entity status are excused, requires, in relevant part,

- (2) Payment of deficiency owed . The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.
 - (i) Calculation of the deficiency owed . The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;
 - (ii) Itemization of the deficiency payment . An itemization of the total deficiency payment is required. The itemization must include the following

information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

(3) Failure to comply with requirements . If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

(Emphasis supplied).

A review of the deficiency fee submitted reveals that applicant has failed to properly calculate, and submit the payment of the deficient fee. For example, applicant itemizes the current Basic National Fee for non-small entity at \$430.00 however, at the time the deficiency fee was submitted, January 24, 2011, the Basic filing fee was, and currently is \$330.00. The National Search Fee submitted is itemized at 330.00; however, at the time the deficiency fee was submitted, January 24, 2011, the Utility Search Fee for a large entity was, and currently is \$540.00.

As provided *supra*, applicant is given a period of one (1) month to comply with 37 CFR 1.28. Extensions of time are available.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

By hand: Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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OFFICE OF PETITIONS

MCCARTER & ENGLISH, LLP
STAMFORD
CANTERBURY GREEN
201 BROAD STREET, 9TH FLOOR
STAMFORD CT 06901

In re Application of :
Finn Bjarke Christensen :
Application No. 12/086145 :
Filing or 371(c) Date: 06/06/2008 : LETTER
Attorney Docket Number: 119969.00002 :

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE.

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

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/086,206	06/06/2008	Peng Yin	PU060006	5709
24498	7590	11/10/2011	EXAMINER	
Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			SUN, YULIN	
			ART UNIT	PAPER NUMBER
			2485	
			NOTIFICATION DATE	DELIVERY MODE
			11/10/2011	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):

uspto@technicolor.com
pat.verlangieri@technicolor.com
russell.smith@technicolor.com



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

Guy Eriksen
Thomson Licensing Inc.
Patent Operation
PO Box 5312
Princeton, NJ 08543-5312

In re Application of: Yin)
Application No. 12/086206)
Filed: June 06, 2008)
For: Method and Apparatus for Providing)
Reduced Resolution Update Mode for Multi-)
View Video Coding)

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37 CFR
§1.144**

This is a decision on the petition filed November 02, 2011 under 37 C.F.R. §1.149 and 37 C.F.R. §1.181 to withdraw an outstanding restriction requirement.

The petition is **Granted**.

RELEVANT PROSECUTION HISTORY

- September 22, 2011 A species requirement was made identifying 2 species. Figures 6-7 including claims 1-4, 10-18, 24-32, 38-46 and 52-58 and a second species as figures 8-9 and claims 1-2, 5-16, 19-30, 33-44 and 47-58.
- September 22, 2011 A provisional election with traverse was made to Species 2 and arguments the the restriction has failed to provide an explanation why each group lacks unity with each other.
- October 26, 2011 The species requirement was repeated as the arguments were found not persuasive.
- November 02, 2011 The petition was filed.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.143 states:

If the applicant disagrees with the requirement for restriction, he may request

reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111). In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the examiner will at the same time act on the claims to the invention elected.

37 C.F.R. § 1.144 states:

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement ... A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

37 C.F.R. § 1.145 states:

If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in § § 1.143 and 1.144.

37 C.F.R. § 1.181 states:

- (a) Petition may be taken to the Commissioner:
- (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;
 - (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and
 - (3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. For petitions in interferences, see § 1.644.
- (b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.
- (c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The

examiner may be directed by the Commissioner to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

MPEP § 1893.03 (c) states:

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

DECISION

37 C.F.R. § 1.181(c) requires that an action by an examiner, to be properly petitionable, must be followed by a request for reconsideration, and a repeated action by the examiner.

In the above-identified application, applicant filed a request for reconsideration prior to the petition.

Appellant correctly states that the instant lack of unity requirement fails to explain why each group lacks unity with each other. The record only indicates that the 2 groups are distinct from each other as one uses slicing to reduce resolution and the second uses macroblocks but fails to explain the difference.

For the above reasons, the petition is **GRANTED**.

The restriction requirement is hereby **WITHDRAWN**.

The application will be forwarded to the examiner for consideration on the merits of claims 1-56 and 58.

/Tod Swann/

Tod Swann
Special Programs Examiner
Technology Center 2400

27 SEP 2010



11 United States Patent and Trademark Office

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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of
Mazzon et al.
Application No.: 12/086,226
PCT No.: PCT/IB2006/003908
Int. Filing Date: 06 December 2006
Priority Date: 06 December 2005
Attorney Docket No.: PP028155.0004
For: Methods And Compositions Relating
To Adhesins As Adjuvants

DECISION

This is in response to the petition under 37 CFR 1.48(a) filed on 16 July 2009, which is being considered under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 06 December 2006, claimed an earliest priority date of 06 December 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 14 June 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 June 2008. Applicants filed *inter alia* the basic national fee on 04 June 2008.

On 23 February 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) as well as certain requirements related to the sequence listing.

DISCUSSION

Counsel requests that the inventive entity of this application be changed by way of deleting Massignani, Scarselli, Rappuoli, Pizza and Giuliani as inventors, and adding Mazzon, Papini and Franzoso. Relief is requested under 37 CFR 1.48(a), but the regulation most pertinent to this situation is 37 CFR 1.497(d). Review of the published international application reveals that Mazzon, Papini and Franzoso were the only inventors nominated therein. These same inventors constitute the inventive entity named in the executed declaration filed on 16 July 2009. The instant petition in effect seeks to cause these inventors to remain as the inventive entity. As such, the petition is moot. Said declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

The \$130.00 petition fee filed on 16 July 2009 was unnecessary in view of the above facts. It is being applied to the surcharge under 37 CFR 1.492(h).

DECISION

The petition is **DISMISSED AS MOOT** under 37 CFR 1.497(d), without prejudice.

Application No.: 12/086,226

-2-

The declaration filed on 16 July 2009 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **16 July 2009**.

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



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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.
12/086,246	06/09/2008	Masaru Nishikawa	1163-0671PUS1	6275
2292	7590	01/20/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2484	
			NOTIFICATION DATE	DELIVERY MODE
			01/20/2011	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: NISHIKAWA, MASARU
Application No. 12/086246

Filed: June 9, 2008

For: COMPRESSED CODED DATA PLAYBACK
APPARATUS, AND DECODING/PLAYBACK
METHOD OF COMPRESSED CODED DATA IN
THE SAME APPARATUS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 5, 2010, to make the above-identified application special.

The petition is **GRANTED**.

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

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the Japanese application(s);
 - b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
 - c. A statement that the English translation is accurate;
- (3) Applicant must:
 - a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claim correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
 - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

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

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



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ALFRED C. ROTH
2501 LITTLE RIVER RD.
HENDERSONVILLE NC 28739

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of	:	
STRADLING, Rob	:	
Application No. 12/086,274	:	DECISION ON PETITION
Filed: September 21, 2009	:	TO WITHDRAW
Attorney Docket No. CO.12	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 09, 2010.

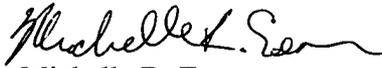
The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that all of the acts noted in the above-identified certifications have been performed. Items two (2) and three (3) of the above certifications have not been certified.

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 Michelle R. Eason at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **ROB STRADLING (PATENT FILES)**
525 WASHINGTON BLVD., SUITE 1400
JERSEY CITY, NJ 07310

Doc. Code: PPH/PCT.852

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SSB/22PCT-EP (SS-10)

Approved for use through 01/31/2012. OMB 0651-0088

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

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/086,342	Filing date:	June 11, 2008
First Named Inventor:	Gunther Oskar ECKERT		

Title of the invention: **PRINTING MACHINE SYSTEM**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFWS_HELP.HTML](http://www.uspto.gov/efsweb/efs_help.html).

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

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

The corresponding PCT application number(s) is/are: **PCT/EP2006/065426**

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

i. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/PEA, or I/PER) 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.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 118, 37 CFR 1.55, and 37 CFR 1.702(d). The information is required to obtain or allow a benefit by the public, which will be paid by the USPTO (as provided) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.11a. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22303-1450. DO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS.

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

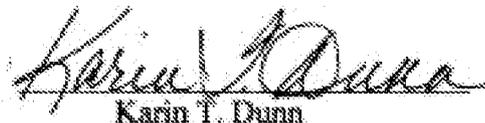
4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: September 24th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2006/065426, which was filed on 17 August 2006 and was published on 28 June 2007 as WO 2007/071460 A1.

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


Karin T. Dunn

Translation of the pertinent portions of a Notification of the Transmittal of the International Preliminary Report Regarding Patentability in accordance with Rule 71.1 PCT, mailed 02/13/2008

2. This report comprises a total of 5 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 2 pages (*sent to the applicant and to the International Authority*), which include

Pages containing the description, claims and/or drawings that have been amended and upon which this report is based, and/or pages containing corrections approved by the authority (see Rule 70.16 and section 607 of the Administrative Guidelines).

4. This report contains information on the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Re Item V.

Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Reference is made to the following document:

D1: US-A-1 972 506 (WISE WOOD HENRY A) 4 September 1934 (09/04/1934), cited in the application

1 INDEPENDENT CLAIM 1

- 1.1 Document D1 is viewed as the closest prior art in relation to the object of claim 1. It discloses (references in parentheses refer to this document) a printing press, which has at least one first printing unit (A, B, C, D, E) and one former assembly (22, 23) arranged in a machine alignment of this printing unit (A, B, C, D, E)
- 1.2 Claim 1 differs from D1 in a printing press system with a second printing press, which has at least one second printing unit and one second former assembly, which is arranged in a machine alignment of this printing unit, wherein the printing group cylinders of the first and second printing unit are oriented essentially orthogonally in relation to one another in terms of their axial direction, and the two former assemblies are arranged orthogonally to one another with regard to a transport direction, projected into the horizontal plane, of a web that is running up to this, and wherein a web or partial web that has been printed by a printing unit of the one of the two printing presses can optionally be fed to the former assembly arranged in the machine alignment of this printing press, or, viewed in the horizontal, can be turned 90° and fed to the former assembly arranged in the machine alignment of the other of the two printing presses. The present claim 1 is therefore novel (Article 33(2) PCT).
- 1.3 The problem to be solved here consists in configuring a printing press system to be flexible.
- 1.4 The solution proposed here is neither known nor obvious to one of ordinary skill in the art, because on one hand, no document from the prior art discloses the aforementioned technical characterizing features, while on the other hand the technical features of the solution proposed herein constitute a not insignificant restructuring of the system. Claim 1 is therefore inventive (Article 33(3) PCT).

2 DEPENDENT CLAIMS 2-54

Claims 2 through 54 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with regard to novelty and inventive step.

03/28/2007

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Claims

1. Printing press system with a first printing press (01), which has at least one first printing unit (02) and one first former assembly (07) arranged in a machine alignment (M1) of this printing unit (02), and with a second printing press (31), which has at least one second printing unit (03) and one second former assembly (17) arranged in a machine alignment (M2) of this printing unit (03), characterized in that the printing group cylinders (04; 06; 14; 16) of the first and second printing unit (02; 03) are oriented essentially orthogonally to one another in terms of their axial direction, and the two former assemblies (07; 17) are orthogonal to one another with regard to a direction of transport (T1; T1'; T2), projected into the horizontal plane, of a web (11; 21) running up to this, and in that a web (21; 11) or partial web that has been printed by a printing unit (31; 01) of the one of the two printing presses (31; 01) can optionally be fed to the former assembly (17; 07) that is arranged in the machine alignment (M2; M1) of this printing press (31; 01) or, viewed horizontally, can be turned 90° and fed to the former assembly (07; 17) that is arranged in the machine alignment (M1; M2) of the other of the two printing presses (01; 31).
2. Printing press system according to claim 1, characterized in that the machine alignment (M2) of the second printing press (31), which extends perpendicular to the axial direction of the printing group cylinders (14; 16) of the second printing unit (03), is essentially orthogonal to the machine alignment (M1) of the first printing press (01), which extends perpendicular to the axial direction of the printing group cylinders (04; 06) of the first printing unit (02).
3. Printing press system according to claim 1, characterized in that the first printing unit (02) and the former assembly (07) of the first printing press (01) are arranged in the manner of a linear machine (01) in a shared machine alignment

AMENDED SHEET

03/28/2007

57a

(M1) that is perpendicular to the axial direction of the printing group cylinders (04, 06).

4. Printing press system according to claim 1, characterized in that the second printing unit (03) and the former assembly (17) of the second printing press (31)

are arranged in the manner of a linear machine in a shared machine alignment (M2) that is perpendicular to the axial direction of the printing group cylinders (04; 06).

5. Printing press system according to claim 1, characterized in that, at least in the machine alignment (M1) of the first printing press (01), a turning devices (10) is provided, via which, in one production situation, a web (21) that has been printed by the second printing unit (03) can be fed to the former assembly (07) of the first printing press (01).
6. Printing press system according to claim 1, characterized in that, at least in the machine alignment (M1) of the first printing press (01), a turning devices (10) is provided, via which a web (21) or partial web (21.1; 21.2) that has been printed by the second printing unit (03) can optionally be fed to the former assembly (07) of the first printing press (01), or a web (11) or partial web (11.1; 11.2) that has been printed by the first printing unit (02) can optionally be fed to the former assembly (17) of the second printing press (17).
7. Printing press system according to claim 1, characterized in that the first printing press (01) has a turning device (10), with which a web (21) entering from the second printing unit (03) can be turned into a direction of transport (T1; T2') of a web (11) coming from the first printing unit (02).
8. Printing press system according to claim 7, characterized in that the turning device (10) is additionally configured to turn a web (11) coming from the first printing unit (02) into a direction of transport of a web (21) coming from the second printing unit (03).
9. Printing press system according to claim 1, characterized in that the first printing

press (01) has a turning device (10), with which a web (21) entering from the direction of the machine alignment (M2) of the second printing press (31) can be turned into a direction of transport (T1; T2') along or parallel to the machine alignment (M1).

10. Printing press system according to claim 1, characterized in that the printing units (02; 03), which are orthogonal to one another, and the former assemblies (07; 17) assigned to the respective machine alignment (M1; M2), are respectively arranged on different sides of the machine alignment (M2; M1) of the respectively other printing press 01; 31.
11. Printing press system according to claim 1, characterized in that two machine lines (25; 30) of the two printing presses (01, 31) are arranged in an X-configuration in relation to one another such that two webs (11; 21) that have been printed in the two intersecting machine lines (25; 30) intersect at a right angle on their path between the printing unit 02; 03 and the respective former assembly (07; 17) assigned in straight-line travel, as viewed in a horizontal projection.
12. Printing press system according to claim 1, characterized in that in one of the two printing presses (01; 31) the printing unit (02; 03) and the former assembly (07; 17) that is assigned to this machine alignment (M1; M2) is arranged on the same side of the machine alignment (M2) of the other printing press (31), and in the other printing press (01) the printing unit (03; 02) and the former assembly (17; 07) that is assigned to this machine alignment (M1; M2) is arranged on different sides of the machine alignment (M1) of the first-named printing press (31).
13. Printing press system according to one or more of claims 5 through 9, characterized in that the turning device (10) is located in the area of the point of

intersection of the two imaginary machine alignments (M1; M2).

14. Printing press system according to one or more of claims 5 through 9 or 13, characterized in that the turning device (10) has at least one turning bar (32), which is configured to be movable along one of the two machine alignments (M1; M2).
15. Printing press system according to one or more of claims 5 through 9 or 13, characterized in that the turning device (10) has at least one turning bar (32), the usable length of which, projected onto an incoming web (11; 21), corresponds to at least three print pages, especially to at least the maximum usable cylinder width of the imaging printing group cylinder (14).
16. Printing press system according to claim 1, characterized in that the former assembly (07) of the first printing press (01) has a group of at least two fold formers (09) arranged side by side in the same machine plane.
17. Printing press system according to claim 16, characterized in that two of such groups of fold formers (09) arranged side by side are arranged one above another.
18. Printing press system according to claim 17, characterized in that the two groups differ in terms of the number and/or effective width of the fold formers (09), which are arranged side by side.
19. Printing press system according to claim 1, characterized in that the former assembly (17) of the second printing press (31) has at least one fold former (19)

in one machine plane or a group of at least two fold formers (19) arranged side by side in the same machine plane.

20. Printing press system according to claim 1, characterized in that the first and second former assemblies (07; 17) differ in terms of the number of fold formers (09; 09'; 19; 19') arranged side by side in one machine plane, and/or in terms of the effective width of one or more fold formers (09; 19).
21. Printing press system according to claim 1, characterized in that the first printing press (01) has a plurality of printing units (02) in the machine alignment (M1).
22. Printing press system according to claim 21, characterized in that the printing units (02) of the first printing press (01) are configured as printing towers (02) with a plurality of printing groups arranged one above another.
23. Printing press according to claim 21 or 22, characterized in that in each of the printing towers (02) a web (11) can be printed on both sides in a multicolor process.
24. Printing press according to claim 1, characterized in that the at least one first printing unit (02; 03) of the first printing press (01) and the at least one second printing unit (03; 02) of the second printing press (31) are configured as printing units (02; 03) of different types.
25. Printing press according to claim 24, characterized in that the two printing units (02; 03) of different types differ in terms of the printing process that is used.

26. Printing press according to claim 24 or 25, characterized in that the two printing units (02; 03) of different types differ in terms of their maximum length that can be used for printing and/or in terms of the circumference of the imaging printing group cylinder (04; 14).
27. Printing press according to claim 24 or 25, characterized in that one of the printing unit (02; 03) is configured to be n-width and the other is configured to be m-width, with $n \neq m$, wherein n- or m-width refers to the width for printing 2^n or 2^m print pages, longitudinally along the printing group cylinder (04; 14; 06; 16).
28. Printing press according to claim 1, 24, 25 or 26, characterized in that at least one drying means (15), especially a dryer (15), is located downstream from at least one printing unit (03) of the second printing press (31) in the web path.
29. Printing press according to claim 1, 24, 25, 26 or 28, characterized in that a web (11) that has been printed by a printing unit (02) of the first type is fed, without interacting with any drying means, to one of the former assemblies (07; 17), and a web (21) that has been printed by a printing unit (03) of the second type is fed to one of the former assemblies (07; 17) after passing through a drying means.
30. Printing press according to claim 1, 24, 25 or 26, characterized in that the printing unit (02) of the one printing press (01) is traversed by a web (11) of uncoated or lightly coated paper, having a coating weight of at most 10 g/m^2 , especially newsprint paper, and the printing unit (03) of the other printing press (31) is traversed by a web (21) of coated paper having a coating weight of more than 10 g/m^2 , especially more than 20 g/m^2 .

31. Printing press according to claim 24 or 25, characterized in that the printing unit (02) of the one type is configured as an offset printing unit and the printing unit (03) of the other type is configured as a flexo printing unit.
32. Printing press according to claim 24 or 25, characterized in that the printing unit (02) of the one type is configured as an offset or flexo printing unit and the printing unit (03) of the other type is configured as a printing unit for a non-impact printing process.
33. Printing press according to claim 26, characterized in that the printing units (02; 03) of different types are configured differently such that a different number of print pages of the same format can be printed longitudinally along the printing group cylinders (04; 14) of the different printing units (02; 03).
34. Printing press according to claim 26, characterized in that the printing units (02; 03) of different types are configured differently such that a different number of print pages of the same format can be printed circumferentially along the printing group cylinders (04; 14) of the different printing units (02; 03).
35. Printing press according to claim 26, characterized in that the printing unit (02; 03) of the one type has printing group cylinders (04; 06) that are the width of at least four print pages, and the printing unit (03; 02) of the other type has printing group cylinders (14; 16) that are the width of two print pages.
36. Printing press according to claim 26 or 35, characterized in that at least the imaging printing group cylinder (04) of the printing unit (02; 03) of the one type

has a circumference that corresponds to the length of two printed pages, and at least the imaging printing group cylinder (04) of the printing unit (03; 02) of the other type has a circumference that corresponds to the length of one printed page.

37. Printing press according to claim 1, characterized in that a web (11) that has been printed by the first printing unit (02) can be or is fed to the first former assembly (07), which is arranged in the first machine alignment (M1), and at the same time, a web (21) that has been printed by the second printing unit (03) can be or is fed to the second former assembly (07), which is arranged in the second machine alignment (M2).
38. Printing press according to claim 1, characterized in that a web (21) that has been printed by the second printing unit (03) can be optionally fed to the second former assembly (17), which is arranged in the second machine alignment (M2), or, viewed in the horizontal plane, can be turned 90° and fed to the first former assembly (07), which is arranged in the first machine alignment (M1).
39. Printing press according to claim 1, characterized in that a web (21) that has been printed by the second printing unit (03) is turned 90°, as viewed in the horizontal plane, and, together with a web (11) that has been printed by the first printing unit (02), can be or is fed to the first former assembly (07), which is arranged in the first machine alignment (M1).
40. Printing press according to claim 1, characterized in that a partial web (11.1; 11.2; 21.1; 21.2) coming from the one printing press (01; 31), with print images of printed pages of a first format, and a partial web (21.1; 21.2; 11.1; 11.2) coming from the other printing press (31; 01), with print images of printed pages of a second format, which is different from the first format, are fed to the same former assembly (07; 17).

41. Printing press according to claim 40, characterized in that the two partial webs (11.1; 11.2; 21.1; 21.2) have different widths.
42. Printing press according to claim 27, characterized in that partial webs (11.1; 11.2) of a web (11) that has been printed in the n-width printing unit (02) are turned 90° into the alignment of an (n-1)-width printing unit (03) and/or are fed to an (n-1)-width former assembly (17).
43. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) bears four print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) bears two print pages of a certain format, side by side in an axial direction.
44. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) bears six print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) bears two print pages of a certain format, side by side in an axial direction.
45. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) bears six print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) bears four print pages of a certain format, side by side in an axial direction.
46. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) supports four printing formes

with print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) supports two printing formes with print pages of a certain format, side by side in an axial direction.

47. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) supports six printing formes with print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) supports two printing formes with print pages of a certain format, side by side in an axial direction.
48. Printing press according to claim 1, characterized in that an imaging printing group cylinder (04; 14) of the first printing unit (02) supports six printing formes with print pages of a certain format, side by side in an axial direction, and an imaging printing group cylinder (14; 04) of the second printing unit (02) supports four printing formes with print pages of a certain format, side by side in an axial direction.
49. Printing press according to claim 1, 43, 44, 45, 46, 47 or 48, characterized in that an imaging printing group cylinder (04; 14) of one of the two different printing units (02; 03) supports two printing formes with print pages of a certain format in a circumferential direction, and an imaging printing group cylinder (14; 04) of the other printing unit (03; 02) supports only one printing forme with one print page of a certain format in a circumferential direction.
50. Printing press according to claim 1, 43, 44, 45, 46, 47 or 49, characterized in that the printing formes and/or the print pages relate to a newspaper format.

51. Printing press according to claim 1, 43, 44, 45, 46, 47 or 49, characterized in that the printing formes and/or the print pages relate to a tabloid format.
52. Printing press according to claim 1, 43, 44, 45, 46, 47 or 49, characterized in that the printing formes and/or the print pages relate to the same format.
53. Printing press according to claim 1, 43, 44, 45, 46, 47 or 49, characterized in that the printing formes are configured as removable printing plates.
54. Printing press according to claim 1, characterized in that the first printing press (01) has a longitudinal cutting device and a turning device for partial width webs in the superstructure, in addition to the turning device (10).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/086,342	06/11/2008	Gunther Oskar Eckert	W1.2759 PCT-US	7568

23294 7590 11/09/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

YAN, REN LUO

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

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

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



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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	: DECISION ON REQUEST TO
ECKERT et al.	: PARTICIPATE IN THE PCT PATENT
Application No.: 12/086342	: PROSECUTION HIGHWAY PILOT
Filed: 11 June 2008	: PROGRAM AND PETITION
Attorney Docket No.: W1.2759 PCT-US	: TO MAKE SPECIAL UNDER
For: PRINTING MACHINE SYSTEM	: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 29 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

A handwritten signature in black ink, appearing to read 'L. Young', with a long, sweeping horizontal stroke extending to the right.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/26/10

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12086359 Patent No.: 7777052

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**

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: _____

Joseph K. McKane

**JOSEPH K. MCKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600
SPE**

1626
Art Unit



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Paper No.

BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
Hiroki Kato :
Application No. 12/086,392 : LETTER REGARDING
Filed: June 12, 2008 : FEE DEFICIENCY PAYMENT
Atty Docket No. 7169/PCT :

This is in response to the SUBMISSION UNDER 37 CFR 1.28(c)(1) and (c)(2) TO CORRECT SMALL ENTITY FEES ERRONEOUSLY PAID IN GOOD FAITH filed September 20, 2010, notifying the Office of loss of entitlement to small entity status.

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

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

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

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


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

MAILED

JAN 06 2011

OFFICE OF PETITIONS

Applicants: Fleddermann, et al.

Appl. No.: 12/086,467

International Filing Date: December 8, 2006

Title: METHOD AND DEVICE FOR PROVIDING AUTOMATIC LOAD ALLEVIATION TO
A HIGH LIFT SURFACE SYSTEM, IN PARTICULAR TO LOAD FLAP SYSTEM, OF AN
AIRCRAFT

Attorney Docket: AIRBUS 3.3-282

Pub. No.: US 2010/0044518 A1

Pub. Date: February 25, 2010

This is a decision on the request for a corrected patent application publication under
37 CFR 1.221(b), received on March 19, 2010, for the above-identified application.

The request is granted.

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

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

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

24 SEP 2010



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David M. McConoughey
179 Indiana St
Maplewood NJ 07040-3541

In re Application of :
BEADLING et al. :
Serial No.: 12/086,493 : DECISION ON
PCT App. No.: PCT/US06/47523 :
Int'l Filing Date: 13 December 2006 : PETITION UNDER
Priority Date: 13 December 2005 :
Attorney Docket No.: 577230-2005 : 37 CFR 1.137(b)
For: BIMOLECULAR CONSTRUCTS :

The petition to revive under 37 CFR 1.137(b) filed 07 August 2010 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" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant submitted the proper reply, payment of additional claims fees in the amount of \$468, and the petition fee of \$1620 were paid.

Applicant is advised that the declaration contains an alteration in the citizenship of inventor Marras. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Therefore, a new acceptable oath or declaration executed by the inventor MARRAS is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States. This application is being referred to the National Stage Processing Branch of the Office of PCT

App. No.: 12/086,493

2

Operations for further processing.

/Cynthia M. Kratz/

Cynthia M. Kratz

Attorney Advisor

Office of PCT Legal Administration

Telephone: 571-272-3286

Facsimile: 571-273-0459

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,847,688 B2

APPLICATION NO.: 12/086,526

ISSUE DATE: : December 7, 2010

INVENTOR(S) : Emmanuel Bernard, Jean-Christophe Fondeur, Laurent Lambert

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

On the title page

In Item (56) References Cited

U.S. PATENT DOCUMENTS:, replace "2006/0136746 A1* 6/2006 Al-Khateeb.....713/189"
with – "2006/0136743 A1* 6/2006 Polcha et al.....713/186" --

Approved by

/Van T. Trieu/

Primary Examiner

05/03/2011

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Gerald E. Helget
80 S. 8th St., Suite 2200
Minneapolis MN 55402

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110504

DATE : May 4, 2011

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction on Patent No.: 12/086,526

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

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

Certificates of Correction Branch - PK 3-910

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

SPE: Daniel Wu

Art Unit 2612



27 SEP 2010

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

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:	
GHOSH et al.	:	DECISION ON PETITION UNDER
Application No. 12/086,542	:	37 CFR 1.137(b)
PCT No.: PCT/IN2004/000405	:	
Int. Filing Date: 24 December 2004	:	
Priority Date: None	:	
Atty's Docket No.: U 017219-0	:	
Title: IODIZED SALT AND A	:	
PROCESS FOR ITS	:	
PREPARATION	:	

The petition to revive under 37 CFR 1.137(b) filed 15 September 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



UNITED STATES PATENT and TRADEMARK OFFICE

03 AUG 2010

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ALEXANDRIA, VA 22313-1450
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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of	:	DECISION ON
GRANDI et al	:	
Application No.: 12/086,571	:	
PCT No.: PCT/IB2006/004121	:	
Int. Filing Date: 19 December 2006	:	PAPERS FILED
Priority Date: 22 December 2005	:	
Attorney's Docket No.: PP028120.0004	:	
For: CHLAMYDIAL ANTIGENS	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 25 May 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 16 June 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). However, no executed declaration was submitted at such time.

On 16 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 25 May 2010, applicants submitted a "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371," which included executed declaration which is signed, *inter alia*, by Lehutova Livia legal representatives of the deceased second joint inventor Giulio RATTI.

DISCUSSION

The executed declaration submitted is signed by Lehutova Livia legal representatives of the deceased second joint inventor Giulio RATTI and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

Application No.: 12/086,571

2

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



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Tel: (571) 272-3276

Fax: (571) 273-0459

Application No.: 12/086,596

Docket No.: 3493-0221PUS1

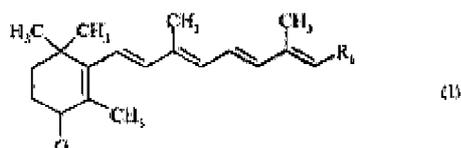
Examiner Soroush

Page 1 of 2

FOR DISCUSSION PURPOSES ONLY

1. (Proposed amended) A method for skin whitening and/or bleaching of the skin, body hairs and/or hair of the head, which comprises applying an effective amount of a composition to the skin and/or body hair and/or the hair of the head, wherein the composition comprises

at least one compound of formula (I):



in which

R1 represents R'_1 or $A-R'_5$ in which R'_1 is chosen from $-COOH$, $-COOR_3$, $-OCOR_3$, $-CONH_2$, $-CONHR_3$, $-CONR_3R_4$, and $-CHO$, $-CH_2OR_5$ and A represents a linear or ramified C_1 - C_{16} alkylene group, a linear or ramified C_2 - C_{16} alkenylene group, or a linear or ramified C_2 - C_{16} alkynylene group,

G forms with the carbon to which it is attached $C=O$, or represents $-OH$, $-OR_2$ or $-OCOR_2$,

R_2 represents a linear or ramified C_1 - C_{16} alkyl grouping, a linear or ramified C_2 - C_{16} alkenyl grouping, a linear or ramified C_2 - C_{16} alkynyl grouping or a linear or ramified acyl (C_2 - C_{16}),

R_3 and R_4 represent independently a linear or ramified C_1 - C_{16} alkyl radical, a linear or ramified C_2 - C_{16} alkenyl radical, a replaced linear or ramified C_2 - C_{16} alkynyl radical,

R_5 represents a linear or ramified C_1 - C_{16} alkyl radical, a linear or ramified C_2 - C_{16} alkenyl radical, a linear or ramified C_2 - C_{16} alkynyl radical or a linear or ramified C_2 - C_{16} acyl,

their enantiomers, diastereomers, and their pharmaceutically acceptable salts.

6. (Proposed amended) The method according to claim 1, wherein the at least one compound of formula (I) is selected from the group consisting of:

The *tert*-butylic ester of (2E, 4E, 6E, 8E)-3,7-dimethyl-9-(2,6,6-trimethyl(3-oxo)-cyclohex-1-enyl)-nona-2,4,6,8-tetraenoic acid,

Application No.: 12/086,596

Docket No.: 3493-0221PUS1

Examiner Soroush

Page 2 of 2

FOR DISCUSSION PURPOSES ONLY

The *tert*-butylic ester of (2E, 4E, 6E, 8E)-9-(3-hydroxy-2,6,6-trimethyl-cyclohex-1-enyl)-3,7-dimethyl -nona-2,4,6,8-tetraenoic acid,

(2E, 4E, 6E, 8E)-9- [3-(3-oxo)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl -nona-2,4,6,8-tetraenal,

The methylic ester of (2E, 4E, 6E, 8E)-9- [3-(3-oxo)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl -nona-2,4,6,8-tetraenoic acid,

The methylic ester of (2E, 4E, 6E, 8E)-9- [3-(3-hydroxy)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl-nona-2,4,6,8-tetraenoic acid,

(2E, 4E, 6E, 8E)-9- [3-(3-hydroxy)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl-nona-2,4,6,8-tetraenoic acid,

The *tert*-butylic ester of (2E, 4E, 6E, 8E)-9- [3-(3-acetoxy)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl -nona-2,4,6,8-tetraenoic acid,

~~(2E, 4E, 6E, 8E)-9- [3-(3-oxo)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl-nona-2,4,6,8-tetraenyl acetate,~~ and

(2E, 4E, 6E, 8E)-9- [3-(3-hydroxy)-2,6,6-trimethyl-cyclohex-1-enyl]-3,7-dimethyl -nona-2,4,6,8-tetraenal.



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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

MAILED

APR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of: :
HAKANSSON et al. :
Application No.: 12/086,612 :
PCT No.: PCT/SE2005/001947 :
Int. Filing Date: 15 December 2005 :
Priority Date: None :
Attorney Docket No.: 1018798-000481 :
For: ABSORBENT ARTICLE :

DECISION ON PETITION

This decision is issued in response to applicants' "Inventor's Statement" filed 17 February 2011 treated herein as a petition under 37 CFR 1.182. Applicants are requesting to change the name of the second inventor from Anna Klinte to Anna Klinte Olsson due to marriage. The \$400 petition fee under 37 CFR 1.17 was charged to counsel's Deposit Account.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the second inventor from Anna Klinte to Anna Klinte Olsson. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Applicants' present petition included payment of the required petition fee. As for the affidavit requirement, applicants have submitted a "Inventor's Statement" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Anna Klinte Olsson as a result of marriage. Therefore, item (2) has been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Anna Klinte to Anna Klinte Olsson is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459



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HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7TH FLOOR
NEW YORK, NY 10020

MAILED
DEC 05 2011

PCT LEGAL ADMINISTRATION

In re Application of IWASHITA et al :
U.S. Application No.: 12/086,828 :
PCT Application No.: PCT/JP2005/023990 :
Int. Filing Date: 21 December 2005 :
Priority Date Claimed: none :
Attorney Docket No.: 645-188 :
For: PROCESS FOR PRODUCING PACKED :
PRODUCT :

DECISION

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

BACKGROUND

On 21 December 2005, applicant filed international application PCT/JP2005/023990. A copy of the international application was communicated to the USPTO from the International Bureau on 28 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 23 June 2008.

On 19 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a purported English translation of the international application.

On 23 March 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

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

DISCUSSION

The petition states that the purported translation filed on 19 June 2008 contained an error. Applicant's explanation for the mistake is accepted.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 23 March 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 November 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should reflect a translation receipt date and 35 U.S.C. 371 date of 03 November 2011.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

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MAR 04 2011

PCT LEGAL ADMINISTRATION

In re Application of
WILLIAMS et al.
Application No.: 12/086,833
PCT No.: NONE
Deposit date: 19 June 2008
Attorney Docket No.: 1-50266
For: POWER STEERING SYSTEMS

:
:
:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.182
:

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 27 April 2010.

On 19 June 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 12/086,833. However the international application **PCT/BG06/04885** as indicated on the transmittal letter is incorrect as the PCT application number **PCT/BG06/04885** does not exist.

On 27 April 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/GB06/04885 on the national stage papers filed on 19 June 2008 is GRANTED. The \$400 petition fee was paid.

The USPTO records will identify the present application **12/086,833** as the national stage of **PCT/GB06/04885**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision and correction of the USPTO records .

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



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

In re Application of	:	DECISION ON
Jiri KARBULA	:	
Application No.: 12/086,881	:	
PCT No.: PCT/EP2006/069346	:	
Int. Filing Date: 05 December 2006	:	PAPERS FILED
Priority Date: 29 December 2006	:	
Attorney's Docket No.: KARB3004/FJD	:	
For: CIRCUIT ARRANGEMENT...	:	UNDER 37 CFR 1.43
TECHNOLOGY	:	

This is a decision on the "Petition Under 37 CFR 1.43" filed 22 July 2010, which has been treated as a request for status under 37 CFR 1.43.

BACKGROUND

On 20 June 2008, applicant 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). However, applicant did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 22 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905). The Notice indicated that the item must be submitted within two months from the date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the Notification mailed on 22 March 2010, applicant filed on 22 July 2010 the current petition and a declaration signed by Mrs. Ivana Diethelm as the legal representative of the inventor, Jiri KARBULA, now incapacitated.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.63 since both the citizenship of the legal representative and the incapacitated inventor are required.

Because the inventor Jiri KARBULA is incapacitated and Mrs. Ivana Diethelom has been appointed as the legal representative for the inventor, 37 C.F.R. §1.497(b)(2) indicates that “[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventors citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.” (see MPEP § 409.01)

In this instance, applicant has only listed the inventor’s citizenship, residence and mailing address but the citizenship, residence and mailing address of the legal representative has not been provided in the declaration as required under 37 C.F.R. §1.63.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.43 is **not accepted**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." 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.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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PCT LEGAL ADMINISTRATION

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

In re Application of : DECISION ON RENEWED
Jiri KARBULA :
Application No.: 12/086,881 :
PCT No.: PCT/EP2006/069346 :
Int. Filing Date: 05 December 2006 : PAPERS FILED
Priority Date: 29 December 2006 :
Attorney's Docket No.: KARB3004/FJD :
For: CIRCUIT ARRANGEMENT... : UNDER 37 CFR 1.43
TECHNOLOGY :

This is a decision on the "RESPONSE," filed on 14 February 2011, which is being treated as a request under 37 CFR 1.43.

BACKGROUND

In a decision from this Office on 14 October 2010, the request filed on 22 July 2010 was not accepted under 37 CFR 1.43.

On 14 February 2011, applicant filed the present renewed petition, which also included a renewed submission under 37 CFR § 1.43 accompanied with an executed declaration.

DISCUSSION

Applicant has provided a new executed declaration, which sets forth that Ivana DIETHELM is the legal representative of the incapacitated inventor, and it also sets forth her citizenship and residence.

Accordingly, the requirements under 37 CFR 1.43 are satisfied and the declaration is acceptable at this time.

DECISION

The renewed submission filed under 37 CFR 1.43 is **ACCEPTED**.

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



Rafael Bacares
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PCT LEGAL ADMINISTRATION

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of :
QI, Longwu, et al. :
Application No.: 12/086,900 :
PCT App. No.: PCT/US2006/049172 :
Int'l Filing Date: 22 December 2006 :
Priority Date: 22 December 2005 :
Attorney Docket No.: 107788-0016-301 :
For: 3-ARYL-SUBSTITUTED :
QUINAZOLONES, AND USES :
THEREOF :

DECISION

This is in response to attorneys' request to withdraw as attorneys of record, filed 02 September 2010, in regard to the above application. The Request is **DISMISSED AS MOOT**.

Counsel was never appointed in the above application. As such, counsel cannot withdraw. The above address is no longer the correspondence address in this application.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

cc: Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915



**ROPES & GRAY LLP
IPRM - FLOOR 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600**

**MAILED
OCT 12 2010
OFFICE OF PETITIONS**

In re Application of :
VENKAT, Raj Gopal et al. :
Application No. 12/086,909 :
Filed: October 20, 2008 : **DECISION ON PETITION**
Attorney Docket No. **PRLX-P01-014** : **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

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

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



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BALLARD SPAHR LLP**
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915



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**ROPES & GRAY LLP
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BOSTON MA 02199-3600**

**MAILED
DEC 01 2010
OFFICE OF PETITIONS**

In re Application of
VENKAT, Raj Gopal et al.
Application No. 12/086,909
Filed: January 09, 2009
Attorney Docket No. **107788-0014-301**

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**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 29, 2010.

The request is **APPROVED**.

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

The request was signed by David P. Halstead on behalf of all attorneys of record who are associated with customer No. 28120. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions at this time.

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



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RAJ GOPAL VENKAT**
1333 EAST ROYAL TROON DRIVE, APT. #21
SALT LAKE CITY, UTAH 84124



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COZEN O'CONNOR
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NEW YORK, NY 10172

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DEC 08 2011

OFFICE OF PETITIONS

Applicants: PINCEMIN, et al.
Appl. No.: 12/087,027
International Filing Date: December 20, 2006
Title: OPTICAL TRANSMISSION BETWEEN A CENTRAL TERMINAL AND A
PLURALITY OF CLIENT TERMINALS VIA AN OPTICAL NETWORK
Attorney Docket: 33901-292PUS
Pub. No.: US 2010/00221011 A1
Pub. Date: September 2, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 25, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains errors wherein the priority data is incorrect and there's an error in the spelling of the first inventor's name.

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

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the priority data or in spelling of the name of one of the inventors.

An error in the spelling of an inventor's name 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

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).

determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The error noted by requestor with respect to the priority data is not an Office error as the publication accurately reflected the information as filed. Although a preliminary amendment was filed, the “failure to include an amendment is not an Office error.” See MPEP 1130(b). Also, the corrections submitted after filing do not convert the mistake into an Office error.

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.
12/087,035	06/24/2008	Michael L. Perry	PA-0001060	4731

7590 11/23/2011
M.P. Williams
210 Main Street
Manchester, CT 06042

EXAMINER DAVIS, PATRICIA A

ART UNIT	PAPER NUMBER
1729	

MAIL DATE	DELIVERY MODE
11/23/2011	PAPER

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

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

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11/25/2011

BC

In re application of :
Michael L. Perry et al. :
Serial No. 12/087,035 :
Filed: June 24, 2008 :
For: AIR BLEED THROUGH FUEL CELL FUEL :
RECYCLE LOOP :

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.144 REQUESTING WITHDRAWAL OF THE RESTRICTION REQUIREMENT filed on October 28, 2011.

On June 08, 2011, the examiner made a restriction requirement under 35 USC 121 and 372 based upon a finding that the claims lack unity of invention as defined in PCT Rules 13.1 and 13.2. In a response to the requirement filed on June 14, 2011, Applicants traversed the requirement with respect to Groups I and II. The examiner maintained the restriction requirement in an office action mailed on August 08, 2011 and made the requirement final.

The instant petition was filed on October 28, 2011 requesting that the requirement for restriction between Groups I and II be withdrawn. Petitioner argues that the restriction between Groups I and II is improper because neither of the references (i.e. Condit US '370 and Yang US '462) relied on to show that the common technical feature fails to make a contribution over the prior art in the restriction requirement disclose the following common technical feature: "that the air be applied (a) through a low pressure, low flow pump (b) during normal operation of the cathode air pump."

DECISION

The instant application has been filed under 35 USC 371 as a national phase application of PCT/US05/47573 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B. MPEP 1893.03(d) permits groupings of claims which are linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding technical feature.

The PCT Administrative Instructions, Annex B, Part 1 at (b) state that "the special technical features" common to all groupings of inventions shall be defined, as in PCT Rule 13.2, to mean,

"those technical features which each of the claimed inventions, considered as a whole, makes over the prior art."

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12/087,035

2

As stated in the present petition, Groups I and II do share a common technical feature, i.e. that the air be applied through a low pressure, low flow pump during normal operation of the cathode air pump. The argument that neither Condit (US '370) nor Yang (US '462) disclose this common technical feature is noted. However, the non-final office action of August 08, 2011 clearly sets forth that this common technical feature does not make a contribution over the prior art as a whole. Specifically, note that Reiser (US '165) has been shown to obviate this common technical feature (see page 7 of the August 08, 2011 office action). Thus, the holding of lack of unity of inventions is deemed to be proper, because the shared technical features do not make a contribution over the prior art as required by PCT Rule 13.2.

Accordingly, the petition to withdraw the restriction requirement is **DENIED**. It is noted however, that if at such time a determination is made that the common technical feature is not disclosed by the prior art, withdrawal of said holding and rejoinder of the claims of Group II would be appropriate.

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

M.P. Williams
210 Main Street
Manchester CT 06042



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,088	06/25/2008	Michael L. Perry	C-3774	4931
7590	09/21/2011			
M.P. Williams 210 Main Street Manchester, CT 06042			EXAMINER O DONNELL, LUCAS J	
			ART UNIT	PAPER NUMBER
			1726	
			MAIL DATE	DELIVERY MODE
			09/21/2011	PAPER

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



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INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of:	:	
ERTLE, Roland, et al.	:	DECISION REGARDING
U.S. Application No.: 12/087,134	:	RENEWED SUBMISSION
PCT No.: PCT/EP2006/069880	:	(37 CFR 1.42)
Int. Filing Date: 19 December 2006	:	
Priority Date: 27 December 2005	:	
Attorney's Docket No.: 2005P01057WOUS	:	
For: DOMESTIC DISHWASHER	:	

This communication is issued in response to applicants' "Response To Decision Regarding Submission Under 37 CFR 1.42" filed 22 December 2009, treated herein as a renewed submission under 37 CFR 1.42 requesting acceptance of a declaration executed on behalf of deceased inventor Roland ERTLE by the deceased inventor's heirs. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 10 July 2009. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Roland ERTLE. Specifically, the decision stated that the declaration filed by applicants was unacceptable under 37 CFR 1.42 because it not executed by all the heirs named thereon and because applicants had not expressly confirmed that the named heirs were all of the heirs of the deceased inventor. The decision also indicated that a new declaration was required from surviving inventor Stephan HARLACHER because the declaration executed by this inventor contained non-initialed, non-dated hand-written alterations.

On 22 December 2009, applicant filed the "Response To Decision Regarding Submission Under 37 CFR 1.42," accompanied by revised declarations and the required extension fee.

DISCUSSION

The revised declaration filed on 22 December 2009 has been executed on behalf of the deceased inventor by each of his four named heirs. The declaration specifically states that the four named heirs are the only heirs of the deceased inventor, and it includes all information required by 37 CFR 1.497(b)(2) with respect to the heirs, that is, their citizenship, residence, and post office address. The declaration also clearly sets forth the citizenship of the deceased inventor. In view of the above, the revised declaration filed 22 December 2009 is acceptable under 37 CFR 1.42 and 1.497 with respect to the deceased inventor.

Applicants' 22 December 2009 submission also included a new declaration from surviving inventor Stephan HARLACHER, and this declaration does not include any unacceptable hand-written alterations. This declaration may be accepted under 37 CFR 1.497 with respect to this inventor.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased sole inventor Roland ERTLE is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 December 2009.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



Description of DE2639999

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Result Page

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Hot plate for molding

The invention relates to hot plates for the manufacture of band or strand-like objects made of rubber or plastic molding serves, with one or more cooling zones are preferably in their peripheral regions.

The vulcanization example of conveyor belts, hoses and other rubber products brings in successive length portions of the necessity to the individual sections, especially in the entrance area of the vulcanization thermally delineate exactly opposite each other in order to avoid too as well as insufficient heat in the boundary and transition areas. A similar problem arises from the molding can be prevented lengthy articles from thermoplastic materials, such as the continuous connecting with polyvinyl-coated or impregnated fabric tapes, in which case the undesired outflow of the plastic by applying heat locks must.

From the use of liquid or gaseous heat carrier for heating the pressing plates are offered the same type of media for the removal of the zonal heat. This was already realized in known devices in a manner that steam, water, oil, Was gas mixture or the like through holes or channels passed in the press plates and heated in separate circuits outside of the presses or cooled as required. In all cases, the required cooling provided separately but a relatively high technical effort and regular maintenance during operation unavoidable. It was the practice, therefore, has long been a desire for structurally simpler to use and easy to handle, resistant to interference Kühleinrichtungen. Der invention is an object, to remedy this perceived deficiency as a disadvantage.

According to the invention are characterized heating plates of the above mentioned species by the fact that the cooling zones of Peltier elements are formed, which in an advantageous extension of the invention thank the current flowing through the Peltier elements may be reversible.

The invention makes possible the reversal of the effect of thermal elements by applying a DC voltage and consequent cooling of one junction of the two different metals advantage and thus arrives at the surprising simplifications in both design as well as in the use of innovative heating plates.

In place of the otherwise necessary coolant lines and connecting lines with the ever-present danger of leaks easily come to be attached electrical cables that virtually no wear and are still subject to interference and require no couplings associated with the maintenance work. Sealing problems are eliminated from the outset anyway.

External cooling equipment and other additional treatment or control devices may be omitted entirely. The Peltier elements provide a clear-cut demarcation of the thermal cooling zones from adjacent heating zones of the pressure plates and a whole range of their effects evenly distributed constant temperature. Of particular advantage in the context of press design is the impact of the relatively low weight of the elements and their low height.

Into effect of the Peltier elements satisfy simple electrical switching devices. With the onset of flow through the river's # cools one side from the blocks combined elements, where the overlying rubber or plastic objects, heat is removed and transported to the opposite side and radiated over the surface of the mold plate to the surroundings. The direction of that of the Peltier elements were "pumped" heat flow can be reversed in case of need by reversing the polarity of the DC power source to produce an additional cooling effect instead of the heater.

The invention is illustrated by the schematic representation of an example in the drawing. In the drawing: FIG1, a portion of a hot plate in the novel
Longitudinal section of the cooling zones with associated external electrical circuit elements and
2 shows a longitudinal section through a Conveyor Belt Vuikani sierpresse with after-market cooling zones.

In Fig1 hot plate 1 is drawn in its middle section with steam, hot water or another heat carrier flowing through holes 2 are provided, while her two border areas, however trained as a cooling zones and provided for this purpose with built-in Peltier elements are 3. The Peltier elements 3 are in a known manner, for example by copper bridges connected to each other established pole legs of semiconductor materials and in greater numbers each in blocks grouped into compact units. Through a polarity reversal switch 4 are connected externally to a DC power source 5. In the drawn on position they are switched to cooling. By flipping the switch 4, dashed into the indicated position, the other current flow direction and thus the direction of the Peltier effect can be reversed. Using a variable resistor 6, the cooling or heating of the elements can be regulated as a function of its operating current.

The curing press according to the diagram in Fig2 contains two heating plates 1 of conventional construction and arrangement, which is pressed between the conveyor belt 7 in the raw state introduced with the addition of shims in eight successive length portions and is vulcanized. In the entry and exit of the press on both sides are Temperaturleitblechen 9 of the conveyor belt 3 attached Peltier elements to cool the transition areas between the strap sections located in different Vulkanisationszuständen alternatively or in addition to



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 9,2011

In re Application of :

Pasi Ojala

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12087206

Filed : 08-Oct-2008

Attorney Docket No : TPO.016.WUS

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 9,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2614 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	12087206
Filing Date	08-Oct-2008
First Named Inventor	Pasi Ojala
Art Unit	2614
Examiner Name	FRIEDRICH FAHNERT
Attorney Docket Number	TPO.016.WUS
Title	CONTROLLING THE DECODING OF BINAURAL AUDIO SIGNALS

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	/Erin Nichols Matkaiti/
Name	Erin Nichols Matkaiti
Registration Number	57125



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

MAILED

NOV 16 2011

In re Application of
LEE, et al
Application No. 12/087,224
Filed: December 29, 2008
Attorney Docket No. HANO-002/00US

OFFICE OF PETITIONS
DECISION ON PETITION

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 June 18, 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 19, 2010. A Notice of Abandonment was mailed January 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) the required statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 1641 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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**Gregory B. Coy
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis IN 46204**

MAILED

AUG 02 2010

In re Application of	:	OFFICE OF PETITIONS
Paul Richard Sommerville	:	
Application No. 12/087,243	:	DECISION ON PETITION
Filed: November 17, 2008	:	TO WITHDRAW
Attorney Docket No. CRDS-3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 8, 2010.

The request is **APPROVED**.

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

The request was signed by Gregory Coy on behalf of all attorneys/agents associated with customer number 52450. All attorneys/agents associated with customer number 52450 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Paul R. Sommerville
F.A.O. CradleSafe/Safegroup
305 Arrowhead Trail, Cedar PK
Austin, TX 78613



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/087,243	11/17/2008	Paul Richard Sommerville	CRDS-3

CONFIRMATION NO. 6995

POWER OF ATTORNEY NOTICE

Gregory B. Coy
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204



Date Mailed: 07/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/08/2010.

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

/kainabinet/

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



27799
COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, Suite 1210
New York, NY 10176

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of :
BEKER *et al* :
U.S. Application No.: 12/087,295 :
PCT No.: PCT/FR2007/050600 :
Int. Filing Date: 02 January 2007 :
Priority Date: 30 December 2005 :
Attorney Docket No.: 33901-294PUS :
For: METHOD AND DEVICE FOR :
MANAGING PERSONAL :
COMMUNICATION OF AT LEAST ONE :
USER :

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 03 November 2010.

BACKGROUND

On 30 June 2008, applicants filed papers to enter the national stage of PCT/FR2006/050600. Applicants included international papers for PCT/FR2007/050600 with this submission.

On 14 August 2009, applicants submitted an executed declaration and \$130.00 surcharge fee (the declaration also listed the PCT number as PCT/FR2006/050600).

On 14 October 2010, a communication was mailed notifying applicants that there was a discrepancy in the international application number.

On 03 November 2010, applicants filed the subject petition under 37 CFR 1.182 which was accompanied by a \$400.00 petition fee.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to change the PCT number in the above-captioned national stage application to PCT/FR2007/050600.

Applicants state that the international application was incorrectly identified as PCT/FR2006/050600 on initial filing. The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was listed on the transmittal letter (PTO-1390) and other papers filed on 30 June 2008 with the Office. Moreover, the incorrect PCT number was also listed on the declaration filed 14 August 2009.

Nonetheless, applicants provided international papers that correspond to PCT/FR2007/050600 on initial filing. WIPO records verify that the PCT number corresponding to the title, international filing date, priority date and listed applicants is PCT/FR2007/050600. Applicants also state in the subject petition that the international application was incorrectly identified on initial filing.

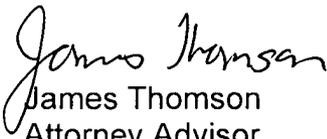
Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/FR2007/050600 but for a typographical error.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/FR2007/050600.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of EINHAUS et al :
U.S. Application No.: 12/087,308 :
PCT Application No.: PCT/FR2006/002661 :
Int. Filing Date: 06 December 2006 :
Priority Date Claimed: 04 January 2006 :
Attorney Docket No.: 137513 :
For: DEVICE AND PROCESS FOR PRODUCING :
A BLOCK OF CRYSTALLINE MATERIAL :

DECISION

This is in response to applicant's correspondence filed 16 March 2010, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 06 December 2006, applicant filed international application PCT/FR2006/002661, which claimed priority of an earlier France application filed 04 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 July 2008.

On 01 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 December 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 16 March 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Notice of Acceptance incorrectly identifies the international application number as "PCT/JP2006/002661" instead of "PCT/FR2006/002661". A review of

the transmittal letter (Form PTO-1390) filed on 01 July 2008 reveals that the international application number was indicated as "PCT/JP2006/002661". Although this error was recognized by applicant in the correspondence filed 28 July 2008, a petition under 37 CFR 1.182 to correct the application along with the requisite \$400.00 petition fee has not been submitted.

CONCLUSION

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

If reconsideration on the merits of the petition 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



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P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
16 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of EINHAUS et al :
U.S. Application No.: 12/087,308 :
PCT Application No.: PCT/FR2006/002661 : DECISION
Int. Filing Date: 06 December 2006 :
Priority Date Claimed: 04 January 2006 :
Attorney Docket No.: 137513 :
For: DEVICE AND PROCESS FOR PRODUCING :
A BLOCK OF CRYSTALLINE MATERIAL :

This is in response to applicant's correspondence filed on 12 November 2010, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 06 December 2006, applicant filed international application PCT/FR2006/002661, which claimed priority of an earlier France application filed 04 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 July 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 July 2008.

On 01 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 December 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 16 March 2010, applicant filed a petition under 37 CFR 1.181.

On 21 October 2010, this Office mailed a decision dismissing the 16 March 2010 petition.

On 12 November 2010, applicant filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently typed the wrong international application number "PCT/JP2006/002661" on the transmittal letter filed on 01 July 2008. Because the correct international application number "PCT/FR2006/002661" was present on at least one paper filed on 01 July 2008, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed on 11 December 2009 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation and mailing of a corrected of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should identify the international application number as "PCT/FR2006/002661".



Bryan Lin
PCT Legal Examiner
PCT Legal Office

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



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Group Art Unit: 1792

Roland EINHAUS et al.

Application No.: 12/087,308

Filed: July 1, 2008

Docket No.: 137513

For: DEVICE AND PROCESS FOR PRODUCING A BLOCK OF CRYSTALLINE MATERIAL

PETITION UNDER 37 CFR 1.102

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

Sir:

Applicants respectfully petition to be accorded special status for examination under Project Exchange/Patent Application Backlog Reduction Stimulus Plan in the above-identified patent application.

Applicants respectfully submit that:

(1) This application is a nonprovisional application and has an actual filing date of July 1, 2008, which is earlier than October 1, 2009.

(2) This application is copending with nonprovisional U.S. Patent Application No. 12/449,802 having an actual filing date of August 27, 2009, which is earlier than October 1, 2009, and which is complete under 37 CFR 1.53.

(3) Roland Einhaus is a common inventor in this application and copending U.S. Patent Application No. 12/449,802;

(4) A letter of express abandonment under 37 CFR 1.138(a) has been filed today in copending U.S. Patent Application No. 12/449,802 before it has been taken up for examination.

(5) Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

(6) Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

Application No.

Please telephone the undersigned at the telephone number set forth below if any questions arise in connection with this matter.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Edward J. Wise
Registration No. 34,523

WPB:EXW/nlp

Attachment:

Copy of Letter of Express Abandonment in U.S. Patent Application No. 12/449,802

Date: March 24, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Roland EINHAUS et al.

Application No.: 12/449,802

Filed: August 27, 2009



Docket No.: 142724

For: DEVICE AND METHOD FOR
PRODUCING SELF-SUSTAINED
PLATES OF SILICON OR OTHER
CRYSTALLINE MATERIALS

MAIL STOP EXPRESS ABANDONMENT

PETITION FOR EXPRESS ABANDONMENT

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

Sir:

Applicants respectfully petition to expressly abandon the above-mentioned patent application in order to be accorded special status for examination under Project Exchange/Patent Application Backlog Reduction Stimulus Plan in U.S. Patent Application No. 12/087,308.

Applicants respectfully submit that:

- (1) Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;
- (2) Applicants agree not to request a refund of any fees paid in the expressly abandoned application; and
- (3) Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101).

Please telephone the undersigned at the phone number set forth below if any questions arise in connection with this matter.

Respectfully submitted,

COURTESY COPY

William P. Berridge
Registration No. 30,024

Edward J. Wise
Registration No. 34,523

WPB:EXW/nlp
Date: March 24, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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APR 06 2011

In re Application of :
EINHAUS, et al. :
Application No. 12/087,308 :
35 U.S.C. 371 Date: July 1, 2008 :
Int. Appl. No.: PCT/FR2006/002661 :
Int. File Date: December 6, 2006 :
Attorney Docket No. **137513** :

OFFICE OF PETITIONS
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed March 24, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

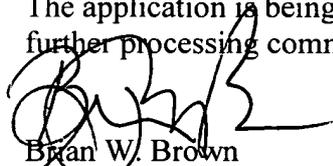
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 12, 2012

Patent No. : 8,062,028 B2
Appl. No. : 12/087,311
Inventor(s) : Takayo Hasegawa, et al.
Issued : November 22, 2011
Title : **HEAT TREATMENT APPARATUS FOR OXIDE SUPERCONDUCTING
WIRE**
Docket No. : **HASE3015/GAL**

Re: Request for Certificate of Correction

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

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

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

All petitions for correction of Assignees' names under rule 3.81(b) should:

(A) state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;

(B) include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); (unless fee (currently \$100) was previously paid for consideration of request for certificate of correction)

(C) include the processing fee set forth in 37 CFR 1.17(i).

The petition 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

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ALEXANDRIA VA 22314-1176

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Patent No. 8,062,028 :
Issue Date: November 22, 2011 :
Application No. 12/087,311 : **DECISION ON PETITION**
Filed: July 1, 2008 :
Attorney Docket No. HASE3015/GAL :

This is a decision on the Request For Certificate Of Correction Under 37 CFR 3.81(b), filed January 18, 2012, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to identify the correct second assignee's name on the previously submitted PTOL 85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to identify the correct second assignee's name to the Title Page of the Letters Patent.

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

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

The requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), and the requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), were submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) previously submitted.

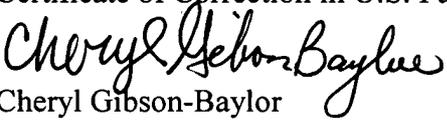
U.S. Patent No. 8,062,028
Application No. 12/087,311
Decision on Petition under 37 CFR §3.81(b)

Page 2

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,062,028.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

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

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

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

Attorney Docket Number: HASE3014/GAL	Patent Number: 7662749
Filing Date (or 371(b) or (f) Date): 2008-07-02	Issue Date: 2010-02-16
First Named Inventor: Takayo Hasegawa	
Title: RARE EARTH-CONTAINING TAPE-SHAPED OXIDE SUPERCONDUCTOR	

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

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

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

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

Signature /ThomasJMoore/	Date 2010-08-12
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

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

*Total of _____ forms are submitted.

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

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

**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: 09/08/2010

Applicant : Takayo Hasegawa : DECISION ON REQUEST FOR
Patent Number : 7662749 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 12/087,337 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/02/2008 : 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/15/11

TO SPE OF : ART UNIT 1741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12087352 Patent No.: 7897010

CofC mailroom date: 03/04/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: This request is approved.


/Matthew J. Daniels/, SPE Art Unit 1741

3/16/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/15/11

TO SPE OF : ART UNIT 1741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12087352 Patent No.: 7897010

CofC mailroom date: 03/04/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: This request is approved.

/Matthew J. Daniels/, SPE Art Unit 1741

3/16/11



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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of SKOGEN et al :
U.S. Application No.: 12/087,378 :
PCT Application No.: PCT/US2006/000503 :
Int. Filing Date: 05 January 2006 :
Attorney Docket No.: 81994(303844) :
For: SUSTAINED RELEASE :
PHARMACEUTICAL FORMULATIONS :
COMPRISING RANOLAZINE :

DECISION

This is in response to applicant's petition filed 24 March 2011, which is being treated under 37 CFR 1.181.

BACKGROUND

On 02 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 January 2009, applicant filed an executed declaration.

On 24 February 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the international application number.

On 24 March 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the initial national stage papers unambiguously identified the international application number as PCT/NO2006/000503 and that the Notification of Defective

Response was accordingly sent in error. The petition requests withdrawal of the Notification of Defective Response.

A review of the application papers filed 02 July 2008 reveals that the national stage transmittal letter (Form PTO-1390) states that international application number is "PCT/US06/000503". Therefore, the Office did not err in failing to treat the submission as the national stage of PCT/NO2006/000503, and mailing of the Notification of Defective Response was proper. Thus, withdrawal of the Notification of Defective Response is not indicated in the present situation.

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the present application is abandoned for failure to timely file a proper reply to the Notification of Defective Response.¹


Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

¹ In the event applicant seeks to revive the present application and correct the international application number to PCT/NO2006/000503, a petition under 37 CFR 1.182 to correct the international application number must be submitted as part of the required reply.



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BOSTON, MA 02205

MAILED

AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of SKOGEN et al	:	
U.S. Application No.: 12/087,378	:	
PCT Application No.: PCT/NO2006/000503	:	
Int. Filing Date: 29 December 2006	:	DECISION
Attorney Docket No.: 81994(303844)	:	
For: PREPARATION USEFUL FOR, AND	:	
METHOD FOR TREATMENT OF NEONATAL	:	
ALLOIMMUNE THROMBOCYTOPENIA (NAIT)	:	

This is in response to applicant's petitions under 37 CFR 1.137(b) and 1.182 filed on 27 June 2011.

BACKGROUND

On 29 December 2006, applicant filed international application number PCT/NO2006/000503, which claimed priority of an earlier United States application filed 01 March 2006. A copy of the international application was made available on 12 July 2007. The thirty month deadline for entry into the U.S. national stage expired on 02 September 2008.

On 02 July 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission identified the international application number as "PCT/US06/000503".

On 11 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 13 January 2009, applicant filed an executed declaration which identified the international application number as "PCT/US06/000503".

On 24 February 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the international application number.

On 24 March 2011, applicant filed a petition under 37 CFR 1.181 to withdraw the of Defective Response.

On 25 March 2011, the present application became abandoned for failure to timely file a proper response to the Notification of Defective Response.

On 25 May 2011, this Office mailed a decision dismissing the 24 March 2011 petition.

On 27 June 2011, applicant filed the instant petitions under 37 CFR 1.137(b) and 1.182.

DISCUSSION

I. Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

II. Petition under 37 CFR 1.182

The petition states that applicant mistakenly included the wrong international application number on certain documents filed 02 July 2008. A review of the 02 July 2008 papers reveals that the correct international application number PCT/NO2006/000503 was present on at least one document. Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons set forth in §I above, the petition under 37 CFR 1.137(b) is GRANTED.

For the reasons set forth in §II above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 December 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 June 2011.

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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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Roger D. Beyer : DECISION ON PETITION
Application No. 12/087,550 : TO WITHDRAW
Filed: July 9, 2008 : FROM RECORD
Attorney Docket No. AMS0135/US (OS-9016- :
PCT-U :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 1, 2011.

The request is **NOT APPROVED**.

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

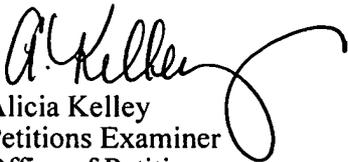
The request was signed by Daniel C. Schulte on behalf of himself and all withdrawing practitioners of record. In the instant application, the practitioner(s) were appointed power of attorney by the use of registration number. However, the request does not set forth registration numbers to be withdrawn by. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

In view of the above the request cannot be approved at this time.

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

There are no outstanding Office actions which 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



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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Roger D. Beyer	:	
Application No. 12/087,550	:	DECISION ON PETITION
Filed: July 9, 2008	:	TO WITHDRAW
Attorney Docket No. AMS0135/US (OS-9016-	:	FROM RECORD
PCT-U	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 3, 2011.

The request is **APPROVED**.

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

The request was signed by Daniel C. Schulte on behalf of all the practitioners of record

All practitioners of record have been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding Office actions that require a reply.

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

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: DR. ROGER D. BEYER
509 HAZEN STREET
PAW PAW, MI 49079



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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12/087,550

07/09/2008

Roger D. Beyer

AMS0135/US

(OS-9016-PCT-U

CONFIRMATION NO. 1079

POWER OF ATTORNEY NOTICE

33072
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082



Date Mailed: 05/23/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/03/2011.

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

/atkelley-collier/

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

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

Benton S. Duffett, Jr.
Buchanan Ingersoll & Rooney PC
1737 King Street
Alexandria, VA 22314

ej



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United States Patent and Trademark Office
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Patent No. 7,872,421 :
Issue Date: January 18, 2011 :
Application No. 12/087,581 : ON PETITION
Filed: August 6, 2008 :
Attorney Docket No. 1034389- :
000008 :

This is in response to the REQUEST TO CORRECT ASSIGNEE DATA filed April 1, 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**.

By decision mailed March 4, 2011, a prior REQUEST FOR A CERTIFICATE OF CORRECTION was dismissed. The request included a Request for Certification of Correction Under 37 CFR 1.323, a draft Certificate of Correction, the fee set forth in 37 CFR 1.20(a) for issuance of a certificate of correction and an authorization to charge any other required fees.

On April 1, 2011, petitioner submitted their request to the Office of Petitions for decision. A review of the record reveals that "Patica AB, Nyköping, Sweden" was named as the assignee on the form PTOL-85B. Petitioner requests that the above-identified patent be corrected to name the assignee as "TD Light Sweden AB, Nyköping (SE)" and requests that a Certificate of Correction be issued identifying this assignee.

Both petitioner's evidence and Office records show that the assignment of the above-identified application to "TD Light

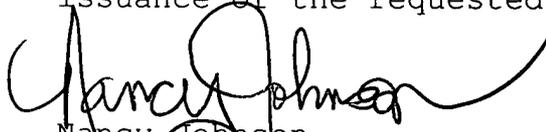
¹ See MPEP 1309, subsection II, Official Gazette at 1283 OG 148 (June 22, 2004) or Final Register at 69 FR 29865 (May 26, 2004).

Sweden AB, Nyköping (SE)" was submitted for recording in the Office on May 25, 2010 before issuance of the patent (Reel/Frame 024438/0298) on January 18, 2011. This was also prior to payment of the Issue Fee on December 7, 2010.

Receipt of the required \$100 certificate of correction fee on February 25, 2011 and the required \$130 processing fee on April 1, 2011 is being charged to the Deposit Account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Patent No. : 7771243B2
Serial No. : 12/087613
Inventor(s) : Peterson et al.
Issued : August 10, 2010
Title : MULTIPLE SLOT TERMINAL
Docket No. : DKT05183A (BWI-00197-US2)

Re: Request for Certificate of Correction

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

Respecting the alleged error in Item (57), Abstract is printed in accordance with the Abstract submitted on 7/10/2008. In the Specification, comparison of the printed patent with the corresponding location in the application file reveals that Column 2, Line 22 is printed according to the Specification dated 7/10/2008. Column 4, Line 25 & 26, Claim 8 is printed according to the Examiner's Amendment (Notice of Allowance) dated 6/14/2010.

The fee should be paid for issuance of a Certificate of Correction.

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

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 9/17/10

Address: Philip R. Warn, Esq.
Warn Partners, P.C.
P.O. Box 70098
Rochester Hills, MI 48307

ts/md

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,771,243 B2

APPLICATION NO.: 12/087,613

ISSUE DATE : August 10, 2010

INVENTOR(S) : Peterson et al.

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

Title page,
Item [57], Abstract, "second contract portion." should be -- second contact portion. --.

Column 2,
Line 22, "a. female" should be -- a female --.

Column 4,
Line 25/26, Claim 8, "second aperture" should be -- second closed aperture --.

Column 4,
Line 26, Claim 8, "second closed contact member" should be -- second contact member --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Philip R. Warn, Esq.
Warn Partners, P.C.
P.O. Box 70098
Rochester Hills, MI 48307

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of
BROWN, TERRY SCOTT
Application No.: 12/087,638
Filing or 371(c) Date: July 8, 2008
Attorney Docket Number: PU060026

APR 17 2012

:
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on February 29, 2012.

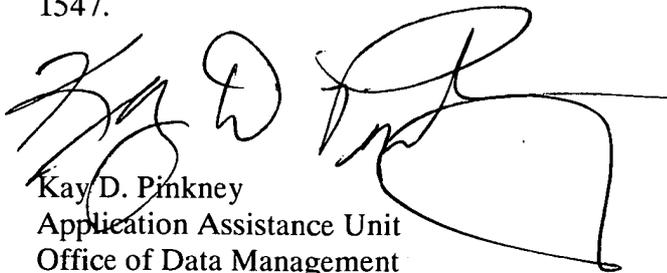
This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed November 8, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on February 27, 2012.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on November 10, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$1740.00, publication fee of \$300.00 and 3 advance copies was charged to Deposit Account.

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

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



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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IVOR ELRIFI
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED
MAY 18 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	DECISION
LINK et al	:	
Application No.: 12/087,713	:	UNDER
Int. Filing Date: 01 June 2006	:	
Atty Docket No.: 28855-518NO1US	:	
For: MICROFLUIDIC DEVICES AND	:	37 CFR § 1.78(a)(3) and (a)(6)
METHODS OF USE IN THE FORMATION AND	:	
CONTROL OF NANOREACTORS	:	
	:	
	:	
	:	

This is in response to applicants' "PETITION PURSUANT TO 37 C.F.R. 1.78(a)(3) and 1.78(a)(6) TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 35 USC 120 FOR THE BENEFIT OF A PRIOR FILED APPLICATION" filed on 02 December 2010.

The petition is DISMISSED.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

- (1) the reference required by 35 U.S.C. § 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements of items (2) - (3),

For item (1), the supplemental application data sheet accompanying the petition indicates that this application is a national stage of PCT/US06/21280, which in turn is a CIP of PCT/US2006/000931 and that PCT/US2006/000931 claims the benefit of several provisional applications under 35 U.S.C. 119(e). However, PCT/US2006/000931 claimed benefit to the provisional applications under 35 U.S.C. 120, not 35 U.S.C. 119(e). See the supplemental box of the Request Form (Form PCT/RO/101) of PCT/US2006/000931 (e.g., the international application is the continuation-in-part of USSN 60/643,186 and other provisional applications).

In addition, international application PCT/US2006/000931 does not indicate that 11/178,133 claims benefit to provisional application 60/643,186 and 60/668,775. MPEP 201.11 states in part:

“A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper. Applicant must state, for example, “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 ---.” A benefit claim that merely states “this application claims the benefit of nonprovisional Application Nos. C and B, and provisional Application No. A” would be improper. Where the benefit of more than one provisional application is being claimed, the intermediate nonprovisional application(s) claiming the benefit of each provisional application must be indicated. Applicant must state, for example, “this application is continuation of Application No. D, filed ---, which is a continuation-in-part of Application No. C, filed ---, Application No. D claims the benefit of provisional Application No. B, filed ---, and Application No. C claims the benefit of provisional Application No. A, filed ---.” If a benefit claim to a provisional application is submitted without an indication that an intermediate application directly claims the benefit of the provisional application and the instant nonprovisional

application is not filed within the 12 month period or the relationship between each nonprovisional application is not indicated, the Office will not recognize such benefit claim and will not include the benefit claim on the filing receipt. Therefore, a petition under 37 CFR 1.78(a) and the surcharge set forth in 37 CFR 1.17(t) will be required if the intermediate application and the relationship of each nonprovisional application are not indicated within the period set forth in 37 CFR 1.78(a).”

Accordingly, having found that the instant petition for acceptance of unintentionally delayed claims for the benefit of priority under 35 U.S.C. §119(e) and §120 to the prior-filed applications failed to satisfies the conditions of 37 CFR 1.78(a)(3) and (a)(6), the petition is dismissed.

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



Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557



Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date December 23, 2011

In re Application of Doo-Sik Kim

Application No. 12087763

Filed: 27-Oct-2008

Attorney Docket No. 6400-00100

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), December 23, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

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

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)
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Application Number	12087763
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Filing Date	27-Oct-2008
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First Named Inventor	Doo-Sik Kim
----------------------	-------------

Attorney Docket Number	6400-00100
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Title	Pharmaceutical Composition For Treating Vascular-Related Diseases Comprising Peptide
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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	/Mark R. DeLuca/
Name	Mark DeLuca
Registration Number	44649



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MAILED

APR 12 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
Ilkanaev et al.	:	DECISION ON PETITION
Application No. 12/087,776	:	
PCT No.: PCT/IB2007/050141	:	UNDER 37 CFR 1.78(a)(6)
Int. Filing Date: 16 January 2007	:	
Priority Date: 16 January 2006	:	
Attorney Docket No. 44508	:	

This is a decision on the petition under 37 CFR §1.78(a)(6), filed 26 August 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 amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional 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)(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 instant petition for acceptance of an unintentionally delayed claim for the benefit of

priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

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

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

This application is being referred to the Examiner in Technology Center AU 2617 for appropriate action on the amendment filed 26 August 2010, including consideration of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for benefit of the prior-filed application.

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

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

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,795	07/15/2008	Kouichi Sakuma	SAKU3005/GAL	2968
23364	7590	10/06/2010	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176			IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			10/06/2010	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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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
SAKUMA, KOUICHI et al	:	DECISION ON REQUEST TO
Application No. 12/087,795	:	PARTICIPATE IN PATENT
Filed: July 15, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. SAKU3005/GAL	:	PROGRAM AND PETITION
Title: METHOD AND SEWING MACHINE	:	37 CFR 1.102(d)
FOR FORMING SINGLE-THREAD		
LOCKED HANDSTITCHES		

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 5, 2009, to make the above-identified application special.

The request and petition are granted.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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 Gary Welch, the SPE of Art Unit 3765, and 571-272-4996 for Class 112/475.17 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

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



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MEDLEN AND CARROLL, LLP
SUITE 350
101 HOWARD STREET
SAN FRANCISCO, CA 94105

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application of :
Gorfinkel et al. :
Application No. 12/087,812 :
Filed: April 17, 2009 :
Attorney Docket No. STONYB-16179 :

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 13, 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 14, 2010

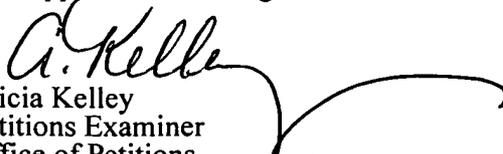
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment , (2) the petition fee of \$810 , and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on October 18, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account.

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

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

This application is being referred to Technology Center 1777 for further examination on the merits


Alicia Kelley
Petitions Examiner
Office of Petitions



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DOWELL & DOWELL P.C.
103 ORONOCO ST.
SUITE 220
ALEXANDRIA, VA 22314

MAILED
MAR 29 2011
OFFICE OF PETITIONS

Applicant: Benoit Demers
Appl. No.: 12/087,868
International Filing Date: January 12, 2007
Title: SYSTEM AND METHODS FOR MANAGING THE ADMINISTRATION OF
MEDICATION TO A PLURALITY OF PATIENTS
Attorney Docket No.: 16471NP
Pub. No.: 2010/0169117 A1
Pub. Date: July 1, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on September 1, 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 the title was listed incorrectly and the Country for the foreign priority claim is listed as "FR" instead of "CA".

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 wherein the country "CA" was misprinted as "FR", and the title of the application "SYSTEM AND METHODS FOR MANAGING THE ADMINISTRATION OF MEDICATION TO A PLURALITY OF PATIENTS" was misprinted as "SYSTEM AND METHODS FOR MANAGING MEDICATION THE ADMINISTRATION OF A PLURALITY OF PATIENTS" may be Office mistakes, but they are not material mistakes as required by 37 CFR 1.221(b). The errors in the foreign priority claim and the title on the front page of the publication are not a material mistakes

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. 12/087,868

because they do 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.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

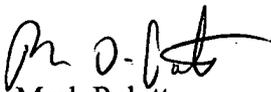
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,929	07/17/2008	Min-Soo Kang	29137.353.00-US	3859
30827	7590	12/08/2010	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			HENRY, CALEB E	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2894	
			MAIL DATE	DELIVERY MODE
			12/08/2010	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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**MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006**

**In re Application of
KANG et al.
Application No.: 12/087,929
Filed: 17 July 2008
Attorney Docket No.: 29137.353.00-US
For: OLED HAVING STACKED
ORGANIC LIGHT-EMITTING UNITS**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,
 - or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,
 - or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
 - a. Ensure that all (s), and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1 and 3-6 above are considered to have been met.

However the request to participate in the PPH program fails to meet requirement 2.

Regarding requirement 2, applicant has failed to submit a Korean language copy of the allowed claims from the KIPO application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'L. Young', with a long, sweeping flourish extending to the right.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/087,929	07/17/2008	Min-Soo Kang	29137.353.00-US	3859
30827	7590	02/02/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			HENRY, CALEB E	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2894	
			MAIL DATE	DELIVERY MODE
			02/02/2011	PAPER

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

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



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

In re Application of
KANG et al.
Application No.: 12/087,929
Filed: 17 July 2008
Attorney Docket No.: 29137.353.00-US
For: OLED HAVING STACKED
ORGANIC LIGHT-EMITTING UNITS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 November 2010 and renewed on 04 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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.

Any response must be submitted via EFS-Web.

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

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors
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15 SEP 2010

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Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church VA 22040-0747

In re Application of NAKATANI et al.	:	
Application No.: 12/088,000	:	DECISION ON PETITION
Filed: July 18, 2008	:	UNDER
Attorney Docket No.:4633-0269PUS1	:	37 CFR 1.78(a)(3)
For: STENT AND METHOD FOR	:	
FABRICATING THE SAME	:	

This decision is in response to applicant's "Petition to Accept Late Priority Claim under 35 USC §120" filed March 01, 2010. 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 applications set forth in the application data sheet and amendment to the specification filed concurrently with the instant petition.

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

The petition does not comply with item (1) above. The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed 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).

Additionally, applicant is advised that a supplemental application data sheet (ADS) must bear a proper signature as required by 37 CFR 1.33(b). The ADS submitted with the present petition does not bear a proper signature as required by 37 CFR 1.33(b). Form PTO/SB/14 contains an appropriate signature block and can be obtained at <http://www.uspto.gov/ebc/portal/efs/sb0014.fill.pdf>.

Further, applicant requests the Office to acknowledge the claim of foreign priority (Japanese application number 2004-100186, filed 30 March 2004) on the Official Filing Receipt. However, this priority claim is not contained in the international application.

37 CFR 1.55(a)(ii) states:

In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT.

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 Patent Application No. 2004-10018, filed in Japan on 30 March 2004.

Applicant should also note that petition under 37 CFR 1.55(c) is not applicable to national stage applications.

As to item (3), applicant's statement that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(1) and the date the claim was filed was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



Birch Stewart Kolasch & Birch
P.O. Box 747
Falls Church VA 22040-0747

MAILED
DEC 01 2010
PCT LEGAL ADMINISTRATION

In re Application of NAKATANI et al.	:	
Application No.: 12/088,000	:	DECISION ON PETITION
Filed: July 18, 2008	:	UNDER
Attorney Docket No.:4633-0269PUS1	:	37 CFR 1.78(a)(3)
For: STENT AND METHOD FOR	:	
FABRICATING THE SAME	:	

This decision is in response to applicant's "Renewed Petition to Accept Late Priority Claim under 35 USC §120" filed September 24, 2010. 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 and amendment to the specification filed concurrently with the instant petition.

The petition is **GRANTED**.

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

A petition for acceptance of a 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 119(e) and 37 CFR §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains 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 international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3738 for appropriate action on the amendment submitted September 24, 2010, including consideration by the examiner of the claim for benefit of the prior-filed application.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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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 Application of :
Sergiy Royak et al :
Application No. 12/088,002 :
Filed: May 15, 2008 :
Attorney Docket No. 14219-198US1 :
P2005,0738US :

ON PETITION

This is a decision on the petition, filed June 8, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 10, 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 2817 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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Commissioner for Patents
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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of :
Karl-Fritz Heinzelmann :
Application No.: 12/088133 : **DECISION ON**
Filing or 371(c) Date: 03/26/2008 : **PETITION**
Attorney Docket Number: ZF P117US :

This is a decision in response to the "Petition for Withdrawal of Notice of Abandonment," filed November 30, 2011. The petition is properly treated as a petition to withdraw the holding of abandonment based upon non-receipt of an Office action under 37 CFR 1.181(a) (no fee).

This Petition is hereby **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 30, 2011. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 1, 2011.

Applicant files the present petition and avers that the Notice was never received. In support of the petition, applicant files a copy of the docketing records for this case, wherein petitioner avers the dockets would have been entered had the Office action in fact been received. (Emphasis added).

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

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). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires 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. In addition, 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 petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and/or file jacket docketed for a date that is three (3) months from the mail date of the Office action.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning *this matter* should be directed to the undersigned at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center¹.

/DLW/

Derek L. Woods
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 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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112 PLEASANT STREET
CONCORD NH 03301

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Karl-Fritz Heinzelmann :
Application No.: 12/088133 : **DECISION ON**
Filing or 371(c) Date: 03/26/2008 : **PETITION**
Attorney Docket Number: ZF P117US :

This is a decision in response to the "Renewed Petition for Withdrawal of Notice of Abandonment," filed January 17, 2011. The petition is properly treated as a renewed petition to withdraw the holding of abandonment based upon non-receipt of an Office action under 37 CFR 1.181(a) (no fee).

This Renewed Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 30, 2011. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 1, 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 3655 for processing of the reply to the Office action, filed November 30, 2011.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 6,2011

In re Application of :

Yoichi Tamegai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12088172

Filed : 26-Mar-2008

Attorney Docket No : PRM-0145

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid 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 2878 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	12088172
Filing Date	26-Mar-2008
First Named Inventor	Yoichi Tamegai
Art Unit	2878
Examiner Name	DON WILLIAMS
Attorney Docket Number	PRM-0145
Title	CURRENT DETECTION CIRCUIT, PHOTORECEIVER USING THE SAME, LIGHT EMISSION CONTROL DEVICE, AND ELECTRONIC DEVICE USING 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	/Daniel P. Lent/
Name	Daniel P. Lent
Registration Number	44867

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/12//10

TO SPE OF : ART UNIT 3729 (3700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/088,194 Patent No.: 7,730,610

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

*Ernest C. White, LRE
Randolph Sq. Ste 9D62A
703-756-1590*

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- | | |
|---|--|
| <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. |

SPE /A. Dexter Tugbang/ ART UNIT 3729



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**KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585**

MAILED

OCT 22 2010

In re Application of
Jan ZITKO, et al
Application No. 12/088,196
Filed: March 26, 2008
Attorney Docket No335238-00012

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 September 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Samson Helfgott on behalf of all the attorneys of record associated with Customer No. 26304

All the attorneys of record associated with Customer No. 26304 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 by the applicant.

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

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

cc: JAN ZITKO
ALUKOV HZ SPOL.S.R.O.
OREL 18
SLATINANY 538 21 CZECH REPUBLIC



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/088,196	03/26/2008	Jan Zitko	335238-00012

CONFIRMATION NO. 8686

POWER OF ATTORNEY NOTICE

26304
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585



Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2010.

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

/dcgoodwyn/

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



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/088,241	08/13/2008	Romhild Hoogeveen	2005P01347WOUS	9353
38107	7590	03/26/2012	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P. O. Box 3001 BRIARCLIFF MANOR, NY 10510			ARANA, LOUIS M	
			ART UNIT	PAPER NUMBER
			2858	
			NOTIFICATION DATE	DELIVERY MODE
			03/26/2012	ELECTRONIC

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

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

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

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com



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

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P. O. Box 3001
BRIARCLIFF MANOR, NY 10510

MAR 26 2012

Applicant: Romhild Hoogeveen
Application No.: 12/088,241
Filed: August 13, 2008
Attorney's Docket No.: 2005P01347WOUS
For: MR COIL WITH FIBER OPTICAL CONNECTION

:
:
: **DECISION ON PETITION**
:
: **UNDER 37 C.F.R. 1.181**
:

This decision on the petition filed September 7, 2011, requesting review and withdrawal of the finality of the Office action mailed July 11, 2011 in the above-identified application. The petition is before the Technology Center 2800 Director for a decision.

The petition is **DISMISSED AS MOOT**.

Petitioner asserts that the finality of the Office action of July 11, 2011 was prematurely made because claims 10 and 11 were not amended in the response to the prior Office action but a new ground of rejection was raised relative to claims 10 and 11 under 35 USC 112, fourth paragraph, for the first time.

A review of the file record confirms that the examiner has subsequently withdrawn the Final rejection, entered the amendment filed September 7, 2011 and issued a new Non-Final Office action on March 1, 2012. Accordingly, the relief requested is now moot.

Any inquiry regarding this decision should be directed to Melissa Koval, Supervisory Patent Examiner, at (571) 272-2121.



Wynn Coggins, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Newsome, Lamonte

From: Pascal, Bob
Sent: Monday, July 11, 2011 2:35 PM
To: Newsome, Lamonte
Subject: RE: 12088311

This was approved and sent for scanning a week or two ago.

Bob Pascal
TC 2800
SPE 2817
JEF-5D41
(571)272-1769

From: Newsome, Lamonte
Sent: Monday, July 11, 2011 2:18 PM
To: Pascal, Bob
Subject: 12088311

2nd Request!

From: Newsome, Lamonte
Sent: Tuesday, June 21, 2011 11:42 AM
To: Pascal, Bob
Subject: 12088311

Please review the attached document.

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

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

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

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 02/29/2012

Address: Mark A. Watson
Calfee, Halter and Griswold, LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114-1607

/ts



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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

RECEIVED

OCT 13 2010

In re Application of :
SUZUKI, Toshinori, et al. :
U.S. Application No.: 12/088,660 :
Filing Date: 28 March 2008 :
Attorney Docket No.: 056819-5004 US :
For: RADIO APPARATUS :

PCT LEGAL
ADMINISTRATION
DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 28 March 2008, applicant filed Utility Patent Application Transmittal (Form PTO/SB/05), but entered electronic data indicating the application was a national phase entry under 35 USC 371.

On 11 December 2009, applicant filed a status request on this application.

On 04 June 2010, applicants filed a petition under 37 CFR 1.182 to convert this application to a filing under 35 USC 111(a).

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

As indicated in MPEP 1893.03(a), if there are any conflicting instructions as to whether the filing is under 35 USC 111(a) or 35 USC 371, the application will be accepted under 35 USC 111(a). Here, although the electronic information instructed that this application was a filing pursuant to 35 U.S.C. 371, applicant submitted the Form PTO/SB/05, which the MPEP states is a clear instruction to process under 35 USC 111(a). MPEP 1893.03(a). Thus, the application is a filing under 35 U.S.C. 111(a) pursuant to 1077 OG 13. A petition under 37 CFR 1.182 is not required to convert this application. The petition fee will be refunded to deposit account no. 50-0310, as authorized.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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NORTH STAR INTELLECTUAL PROPERTY LAW, PC
P.O. BOX 34688
WASHINGTON, DC 20043

MAILED
JAN 21 2011
OFFICE OF PETITIONS

In re Application of :
Yibing Wang :
Application No.: 12/088,689 :
Filed: March 29, 2008 :
Attorney Docket No.: 6001.0001 :

ON PETITION

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

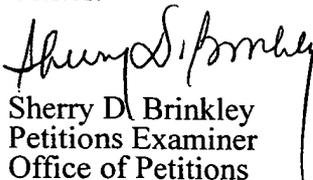
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 15, 2010. A Notice of Abandonment was mailed on September 29, 2010. On November 12, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2464 for appropriate action by the Examiner in the normal course of business on the response filed November 12, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of
Robert Frederick Milsom, et al.
Application No. 12/088,721
Filed: August 15, 2008
Attorney Docket No.: 00 2103 US1

ON PETITION

This is a decision in response to the petition, filed December 13, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 12, 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 July 13, 2010. A Notice of Abandonment was mailed November 3, 2010. On December 13, 2010, the present petition was filed.

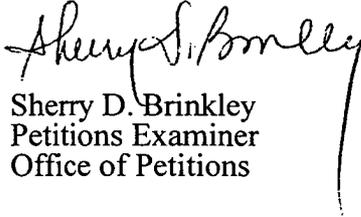
There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Mark A. Wilson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Attorney Wilson desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

The application is being referred to Technology Center AU 2817 for appropriate action by the Examiner in the normal course of business on the response filed December 13, 2010.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MARK A. WILSON
1811 SANTA RITA ROAD, SUITE 130
PLEASANTON, CA 94566

- 1 OCT 2010



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Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of :
SASATA, Katsumi et al. :
Application No.: 12/088,810 :
PCT No.: PCT/JP2006/320021 :
Int. Filing Date: 29 September 2006 : DECISION
Priority Date: 29 September 2005 :
Attorney Docket No.: 1019519-000698 :
For: CELLULOSE ACYLATE FILM, ... :
IMAGE DISPLAY DEVICE :

This decision is in response to applicants' Response to Decision, filed with the United States Patent and Trademark Office on 08 September 2009.

BACKGROUND

On 22 July 2009, the Office mailed Decision indicating that the declaration provided a different first name for the second inventor than did the international application.

On 08 September 2009, applicants filed the instant response indicating that the discrepancy was the result of a transliteration error and that the inventor's name was "Kuju."

DISCUSSION

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The Office does not have a record of the recording of a change under PCT Rule 92*bis*. The second inventor is identified as "Kouzu Ito" on the international application, but as "Kuju Ito" on the declaration and ADS.

Applicants state that the inventor's name is "Kuju Ito" and that the discrepancy is the result of a transliteration error. The declaration complies with 37 CFR 1.497(a)-(b). MPEP MPEP 1893.01(e).

CONCLUSION

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

MAILED

MAR 20 2012

OFFICE OF PETITIONS

In re Application of Roderic H. Vince et al. :
Application No. 12/089,041 : Decision on Petition
371(c) Date: April 14, 2009 :
Attorney Docket No. 314,472 :

This is a decision on the petition under 37 CFR 1.181 filed February 10, 2012, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Background

Applicants submitted an executed declaration on September 10, 2008. The declaration identifies the inventors as Roderic Henry Vince and Heather Fairbairn Vince. The declaration states,

Direct all correspondence to:

Name: Heather Vince
Address: 3 Sandpiper Close
City: Buderim
State: Queensland
Zip: 4556
Country: Australia

The Office entered the following address as the address of record:

Roderic Henry Vince
Heather Fairbairn Vince
3 Sandpiper Cl
Buderim, 4556
AUSTRALIA

The Office mailed notices to the address of record on July 9, 2008, and March 16, 2009.

The Office mailed a non-final Office action on June 18, 2010. For unknown reasons, the country portion of the address of record was omitted when the Office mailed the Office action.

The June 18, 2010 Office action was returned to the Office undelivered on July 6, 2010.

A response to the June 18, 2010 Office action was filed October 18, 2010.

A final Office action was mailed to the address of record on December 16, 2010.

The following items were filed December 28, 2010:

1. A request under 37 C.F.R. § 1.48 to delete Heather Vince as an inventor of record,
2. A \$130 processing fee for the request under 37 C.F.R. § 1.48,
3. A statement by Heather Vince stating the error in inventorship occurred without any deceptive intent on her part,
4. A statement under 37 C.F.R. § 3.73(b),
5. The consent of the assignee to the change in inventorship, and
6. A power of attorney and request to change the address of record.

The 37 C.F.R. § 3.73(b) statement includes copies of documents supporting the chain of title and states the documents are concurrently being submitted for recordation. The 37 C.F.R. § 3.73(b) statement states IPC Developments Pty Ltd (“IPC”) owns all rights in the application.

The power of attorney requests a power of attorney be given to practitioners associated with Customer No. 38137 and requests all future correspondence be sent to the address associated with Customer No. 38137. The power of attorney is signed by Roderic Vince, the first inventor. The “title and company” portion of the signature block identifies IPC as the owner, but does not identify a title for Roderic Vince.

The request under 37 C.F.R. § 1.48 includes a declaration identifying Roderic Vince as the sole inventor. The declaration is signed by Roderic Vince and gives a power of attorney to the practitioners associated with Customer No. 38137 and requests all future correspondence be sent to the address associated with Customer No. 38137.

The December 16, 2010 final Office action was returned undelivered to the Office on February 18, 2011.

The Office did not enter the new power of attorney or change the address of record.

The Office issued a non-final Office action on April 29, 2011. For unknown reasons, the Office action does not discuss, or acknowledge the existence of, the papers filed December 28, 2010. The Office action was mailed to the address set forth in the declaration filed September 10, 2008, instead of the address associated with Customer No. 38137.

The April 29, 2011 Office action was returned to the Office undelivered on August 8, 2011.

The Office mailed a Notice of Abandonment to the address set forth in the September 10, 2008 address on August 8, 2011.

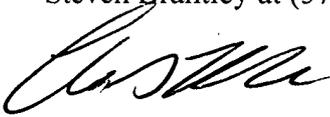
The instant petition was filed February 10, 2012. The petition states the Office action was mailed to an incorrect address and requests withdrawal of the holding of abandonment.

Discussion

The record indicates the April 29, 2011 Office action was not received as a result of the Office failing to mail the correspondence to a correct address. Therefore, the petition is granted and the holding of abandonment is withdrawn.

Technology Center Art Unit 3724 will be informed of the instant decision. Thereafter, the Technology Center will re-mail the April 29, 2011 Office action. The time period to reply to the new Office action will be set to run from the mailing date of the new Office action. The Technology Center will also address the request under 37 C.F.R. § 1.48, either in an Office action or via issuance of a separate decision on the request.

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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FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia PA 19103

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of :

Rao S. Bezwada :

Application No. 12/089,101 :

Filed: August 18, 2008 :

Attorney Docket No. 1060-BEZW0002US :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **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 Walter C. Frank on behalf of all attorneys/agents associated with customer number 44338. All attorneys/agents associated with customer number 44338 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: Rao S. Bezwada
15-1 Ilene Court
P.O. Box 6357
Hillsborough, NJ 08844



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/089,101	08/18/2008	Rao S. Bezwada	1060.BEWZ0002US

CONFIRMATION NO. 9421

POWER OF ATTORNEY NOTICE



0C000000046941134

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

Date Mailed: 04/04/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/31/2011.

- 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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Feldman Gale, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

MAILED

APR 11 2011

In re Application of
Rao S. Bezwada
Application No. 12/089,106
Filed: September 23, 2008
Attorney Docket No. 1060.BEZW003U

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 January 31, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Feldman Gale, P.A., has been revoked by the assignee of the patent application on April 1, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Vance Intellectual Property, PC
5467 Hill Top Street
Crozet, VA 22932-3167



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/089,106	09/23/2008	Rao S. Bezwada	1060BEZW0003U

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

CONFIRMATION NO. 9452
POWER OF ATTORNEY NOTICE



Date Mailed: 04/08/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2011.

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

/kainabinet/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07-26-11

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/089228 Patent No.: 7804791

CofC mailroom date: 07-18-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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



Note: _____

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 /Ricky Ngo/ AU 2464

Art Unit



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

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of :
Rimsky et al. :
Application No. 12/089,249 :
Filed: April 4 2008 :
Attorney Dkt. No. TIP0099USPCT :
For: METHOD AND MEANS FOR :
DETERMINING THE REPLICATION :
RATE OF A VIRAL POPULATION :
: ON APPLICATION FOR
: PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.705(b)" filed August 29, 2011. Applicants request that the determination of patent term adjustment be corrected from four hundred thirty-five (435) days to four hundred seventy-one (471) days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

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

computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

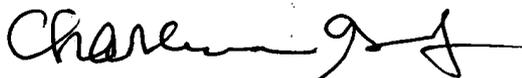
¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure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

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

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Ms. Finan 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, Ms. Finan 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 Ms. Finan, 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.

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

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



Charlema Grant
Attorney
Office of Petitions

Cc: Therese Finan
Patton Boggs LLP
8484 Westpark Drive, 9th Floor
McLean, Virginia 22102

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12089256
Filing Date	28-Jul-2008
First Named Inventor	Rafael Venancio
Art Unit	3744
Examiner Name	JONATHAN BRADFORD
Attorney Docket Number	1054/8US
Title	METHOD OF CONTROLLING A CELL THAT IS USED FOR THE RAPID COOLING OF A COOKED PRODUCT IN ORDER TO PRESERVE SAME

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Brandon C. Trego/
Name	Brandon C. Trego
Registration Number	53702



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 20, 2011

In re Application of :

Rafael Venancio

Application No : 12089256

Filed : 28-Jul-2008

Attorney Docket No : 1054/8US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

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

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

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

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

Office of Petitions

Doc Code: PET.AUTO		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	12089268	
Filing Date	04-Apr-2008	
First Named Inventor	Wolfgang Pirker	
Art Unit	3732	
Examiner Name	EDWARD MORAN	
Attorney Docket Number	PIRK0101PUSA	
Title	Tooth Implant	
<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:		22045 _____
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(v)		
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:		
		22045 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/John E. Nemazi/	
Name	John E. Nemazi	
Registration Number	30876	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : October 4,2011

In re Application of :

Wolfgang Pirker

Application No : 12089268

Filed : 04-Apr-2008

Attorney Docket No : PIRK0101PUSA

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed October 4,2011

The request is **APPROVED**

The request was signed by John E. Nemazi (registration no. 30876) on behalf of all attorneys/agents associated with Customer Number 22045 . All attorneys/agents associated with Customer Number 22045 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 22045 .

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

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

Office of Petitions



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Gary Larsen, DDS
11944 E. Griffith AVE,
Sanger CA 93657

MAILED

MAR 23 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Pirker :
Application No. 12/089,268 :
Filed: April 4, 2008 :
Attorney Docket No. PIRK0101PUSA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 27, 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). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 28, 2011. This decision precedes the mailing of a Notice of Abandonment.

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

As to item (1), The proposed reply required for consideration of a petition to revive must be an appeal brief (and 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). Although petitioner has provided an RCE and the required fee, petitioner has failed to provide a submission within the meaning of 37 CFR 1.114 (c).

Pursuant to 37 CFR 1.114, a "submission" as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c). **If a reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of 37 CFR 1.111. See 37 CFR 1.114(c). Thus, an applicant may file a submission under 37 CFR 1.114 containing only an information disclosure statement (37 CFR 1.97 and 1.98) in an application subject to a notice of allowance under 35 U.S.C. 151, but not in an application where the last Office action is a final rejection or an Office action under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935), or in an application that is under appeal.**

As such the submission of an IDS without a reply to the Office action does not meet the requirements of 37 CFR 1.114.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

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

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

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



Charlema Grant
Attorney Advisor
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NOV 04 2011

OFFICE OF PETITIONS

In.re Patent No. 8,008,250
Issued: August 30, 2011
Application No. 12/089,276
Filed: April 4, 2008
Attorney Docket No. 06275-0624US1 /
102051-1P US

:
: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on October 28, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 6 to 147 days.

The petition to correct the patent term adjustment is **DISMISSED**.

BACKGROUND

On August 30, 2011, the above-identified application matured into U.S. Patent No. 8,008,250, with a revised patent term adjustment of 6 days. On October 28, 2011, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 147. Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on April 12, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 141 day period from April 12, 2011 (the mailing date of the Notice of Allowance) until August 30, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 141 days and be increased from 0 to 141 days. Patentee concludes that the correct patent term adjustment is 147 days (the sum of 11 days of "A delay" and 141 days of "B delay" minus 5 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C.

371(b) or (f), the national stage having commenced April 6, 2008 and the patent not having issued as of the day after the three year date, April 6, 2011, and a request for continued examination under 132(b) having been filed on March 31, 2010. In other words, the 141-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that

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.

once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

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

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

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

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of

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

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

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

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.

period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

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

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

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

of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

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

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C.

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.

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

In this instance, a request for continued examination was filed on March 31, 2010, and the patent issued by virtue of that request on August 30, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on March 31, 2010 and ending on August 30, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 6 days indicated on the patent is correct.

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of :
Mariusz W. Szkudlinski et al. :
Application No. 12/089,296 :
Filed: December 22, 2009 :
Attorney Docket No. **TROP-005/02US** :
304828-2092 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 16, 2012.

The request is **NOT APPROVED**.

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

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71* or, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

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

to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Ossieur et al. :
Application No. 12/089,316 : **DECISION ON PETITIONS**
Filed: 04/04/2008 : **UNDER 37 CFR 1.78(a)(3) AND (a)(6)**
Attorney Docket No. 08-397 :

This is a decision on the petition, filed on April 15, 2011, styled under 37 CFR § 1.78(a)(3), which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c), and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

- (1) the reference required by 35 U.S.C. §§ 365(c), 120, and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the international application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c), and 119(e) is accepted as being unintentionally delayed.

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2613 for consideration by the examiner of the claim under 35 U.S.C. §§ 120, 365(c), and 119(e) of the prior-filed international and provisional applications.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 12/089,316, 04/04/2008, 2613, 1470, 08-397, 22, 4

CONFIRMATION NO. 1552

CORRECTED FILING RECEIPT

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
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CHICAGO, IL 60606



Date Mailed: 09/09/2011

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

Applicant(s)

Peter Ossieur, Sint-Andries Brugge, BELGIUM;
Tine De Ridder, Zwijnaarde, BELGIUM;
Johan Bauwelinck, Temse, BELGIUM;
Xing Zhi Qiu, Wondelgem, BELGIUM;
Jan Vandewege, Mariakerke, BELGIUM;

Assignment For Published Patent Application

Interuniversitair Microelektronica Centrum (IMEC), Leuven, BELGIUM
Universiteit Gent, Gent, BELGIUM

Power of Attorney: The patent practitioners associated with Customer Number 020306

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP2006/067215 10/09/2006
which claims benefit of 60/724,449 10/07/2005
and claims benefit of 60/841,816 09/01/2006

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

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 08/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/089,316

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Systems and Methods for Transferring Single-Ended Burst Signal Onto Differential Lines, Especially for Use in Burst-Mode Receiver

Preliminary Class

398

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).

26 AUG 2010



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

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

In re Application of :
LANDERS, James P., et al. :
Application No.: 12/089,320 :
PCT No.: PCT/US2006/038943 :
Int. Filing Date: 04 October 2006 :
Priority Date: 04 October 2005 :
Attorney Docket No.: 119620.0151 :
For: MICROCHIP-BASED ACOUSTIC :
TRAPPING OR CAPTURE OF :
CELLS FOR FORENSIC ANALYSIS :
AND RELATED METHOD :
THEREOF :

DECISION

This decision is in response to applicants' Request Under 37 CFR 1.497(d), filed with the United States Patent and Trademark Office on 30 June 2010.

BACKGROUND

On 30 April 2010, the Office mailed Decision On Petition, granting applicants' petition under 37 CFR 1.182, but dismissing applicants' request under 37 CFR 1.497(d) for failure to furnish the consent of the assignee.

On 30 June 2010, applicants filed the instant renewed request under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Johan Nilson, Thomas Laurell and Mikael Evander, as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied. Item (3) has now been furnished.

CONCLUSION

For the reasons above, applicants' Request Under 37 CFR 1.497(d) is **GRANTED**.

Application No. 12/089,320

-2-

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Kazuhide Shigetou :
Application No. 12/089,337 : **DECISION ON PETITION**
Filed: April 4, 2008 : **TO WITHDRAW**
Attorney Docket No. **136548** : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Liam J. McDowell does not have power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/30/2011

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No 12/089,420 : 7,582,638

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

**Should the change(s)
Be made?**

RoChau Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

_____ SPE _____ Art Unit _____

Johnson, Rochaun

From: Bernhardt, Emily
Sent: Thursday, March 31, 2011 1:43 PM
To: Johnson, Rochaun; Wilson, James
Subject: RE: SPE's Response for IFW doc 12/089,420 7582638
Importance: High
James/ Mr.Johnson

For the record I never saw the C of C request .Shouldnt such requests be placed in the SPECIAL tab of OACS??? At any rate the C of C request should be ENTERED by the SPE as the corrections are obvious errors incurred by the PTO as well as applicants (ABSTRACT showed R1,R2 so this was not printer's error.)

From: Johnson, Rochaun
Sent: Wednesday, March 30, 2011 9:03 PM
To: Wilson, James
Cc: Bernhardt, Emily
Subject: FW: SPE's Response for IFW doc 12/089,420 7582638

Please answer the SPE 306 that is attached. The attorney is calling for the status.

Thank you

RoChaun Johnson

From: Johnson, Rochaun
Sent: Wednesday, December 16, 2009 8:16 AM
To: Wilson, James
Cc: Bernhardt, Emily
Subject: SPE's Response for IFW doc 12/089,420 7582638

Please review the attached PTOL 306 form requesting approval or denial of the C of C dated 11/23/09 requesting make a change to the title page. Please respond by approving or denying and signing the PTOL 306, and have it scanned into e-dan as COCOX or e-mail the completed PTOL 306 form back to me and I will have it scanned. You may also fax the completed form to 571 270-9754.

Your immediate attention is greatly appreciated.

Thank you,

RoChaun Johnson

571 272-0470

5/23/11



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

**CAROL WILSON
BP AMERICA INC.
150 West Warrenville Road
MC 200-1W
Naperville IL 60563**

**MAILED
JUL 29 2011
OFFICE OF PETITIONS**

In re Application of :
Ronald L. Anderson, et al. :
Application No. 12/089,435 : **DECISION ON PETITION**
Filed: August 7, 2008 :
Attorney Docket No. 39,183 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 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, December 8, 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 9, 2011. The Notice of Abandonment was mailed July 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, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 1621 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/03/11

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12089444 Patent No.: 7884212

CofC mailroom date: 5/12/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

For more information regarding SPE response to 571-272-3421

Note:

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: _____

/Joseph K. McKane/ SPE, Art Unit 1626

SPE

Art Unit



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LARIVIERE GRUBMAN & PAYNE LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY CA 93940

MAILED
MAR 19 2012

In re Patent No. 7,884,212 :
Issue Date: February 8, 2011 :
Application No. 12/089,444 :
Filed: September 8, 2008 :
Attorney Docket No. P1801WOUS :

OFFICE OF PETITIONS
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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
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.
12/089,504	09/21/2009	Takeshi Ohashi	SOEI0032	3245
24203	7590	05/16/2011	EXAMINER	
GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			MCCLENDON, SANZA L	
			ART UNIT	PAPER NUMBER
			1765	
			MAIL DATE	DELIVERY MODE
			05/16/2011	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.



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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CST

May 16, 0211

In re application of	:	DECISION ON REQUEST TO
Takeshi Ohashi et al	:	PARTICIPATE IN PATENT
Serial No. 12/089,504	:	PROSECUTION HIGHWAY
Filed: September 21, 2009	:	PROGRAM AND
For: PHOTSENSITIVE RESIN	:	PETITION TO MAKE SPECIAL
COMPOSITION AND	:	UNDER 37 CFR 1.102(a)
PHOTSENSITIVE ELEMENT	:	
USING THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 22, 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;

- (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



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LACKENBACH SIEGEL, LLP
LACKENBACH SEIGEL BUILDING
1 CHASE ROAD
SCARSDALE, NY 10583

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Keiji HASUMI et al :
Application No. 12/089,507 : ON PETITION
Filed: April 7, 2008 :
Attorney Docket No. TAIYO.P001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2010, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.59(b), filed June 23, 2010, to expunge a previously submitted document.

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

The petition under 37 CFR 1.59(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)." 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 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). A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 8, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The \$810.00 required under 37 CFR 1.17(m) has been charged to petitioner's deposit account 10-0100.

The instant petition lacks item(s) 3. Petitioner has not made a statement from the proper party 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 has also request under 37 CFR 1.59(b) that the document labeled as a foreign document be expunged and replaced with the reply submitted with the petition submitted June 23, 2010. The reply filed June 23, 2010 presents a response to the restriction requirement mailed December 7, 2009.

Under 37 CFR 1.159(b) Petitioner must state that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; 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. Petitioner is also required to retain the expunged material(s) for the life of any patent which issues on the above-identified application. The fee of \$200.00 required under 37 CFR 1.17(g) had been charged to petitioner's deposit account 10-0100.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

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) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
KEIJI HASUMI :
Application No. 12/089,507 :
Filed: April 7, 2008 :
Attorney Docket No. TAIYO.P001 :

DECISION ON PETITION

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

The petition under 37 CFR 1.137(a) is GRANTED.

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

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

This application file is being forwarded to Technology Center AU 1628 for appropriate action.

Thurman K. Page
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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SCHWAGMAN LUNDBERG & WOESSNER/SYNTHES
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JAN 9 1 2011

OFFICE OF PETITIONS

In re Application of

Mark T. FULMER, et al.

Application No. 12/089,574

Filed: April 8, 2008

Attorney Docket No. **060960-5019-US**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 29, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **SCHWAGMAN LUNDBERG & WOESSNER/SYNTHES** has been revoked by the assignee of the patent application on September 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

CC: **MORGAN, LEWIS, & BOCKIUS LLP - SYNTHES**
1701 MARKET STREET
PHILADELPHIA, PA 19103



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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STANFORD UNIVERSITY OFFICE OF TECHNOLOGY LICENSING
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
James Robert Swartz, et al. :
Application No. 12/089,596 : ON PETITION
Filed: August 5, 2008 :
Attorney Docket No.: STAN-459 :

This is a decision in response to the Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a), filed March 2, 2011.

The petition is **GRANTED**.

The application was held abandoned for a failure to reply to the final Office action mailed April 2, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was subsequently mailed on February 16, 2011.

In response, on March 2, 2011, the present petition was filed, wherein petitioner requests that the abandonment be withdrawn. Petitioner explains that the Notice of Abandonment was mailed prematurely, since extensions of time were available through April 29, 2011, in view of the Notice of Appeal filed September 29, 2010.

A review of the written record discloses that petitioner is correct. A Notice of Appeal, with an appropriate 3-month extension of time, was filed on September 29, 2010 in response to a final Office action mailed April 2, 2010. Accordingly, a response was due on or before November 29, 2010, with extensions of time available to the maximum period for response of April 29, 2011. Consequently, the Notice of Abandonment mailed February 16, 2011 was premature, and is hereby vacated.

The holding of abandonment is hereby withdrawn and the application is restored to pending status.

This application is being referred to Technology Center AU 1656 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUL 05 2011

OFFICE OF PETITIONS

**CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS MI 48326-1581**

In re Application of :
Mirco LOOS : ON PETITION
Application No. 12/089,628 :
371(c) Date: April 9, 2008 :
Atty. Docket No.: AP11273 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application was held abandoned for failure to properly reply in a timely manner to the Notice of Missing Requirements Under 35 U.S.C. 371 mailed July 9, 2008, which set a period for reply of two (2) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned September 10, 2008. A Notice of Abandonment was mailed May 21, 2009.

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

Petitioner has failed to provide a full declaration, but rather has provided the signature sheet and priority data sheet only. A copy of the German language declaration is provided herewith.



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CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS, MI 48326-1581

MAILED
OCT 14 2011

PCT LEGAL ADMINISTRATION

In re Application of LOOS :
U.S. Application No.: 12/089,628 :
PCT Application No.: PCT/EP2006/065900 :
Int. Filing Date: 01 September 2006 :
Priority Date Claimed: 12 October 2005 :
Attorney Docket No.: AP 11273 :
For: METHOD FOR DETERMINING THE :
WHEEL PRESSURE IN AN :
ELECTRONICALLY ACTUABLE MOTOR :
VEHICLE BRAKE CONTROL SYSTEM :

DECISION

This is in response to applicant's renewed petition under 37 CFR 1.137(b)" filed 24 August 2011.

BACKGROUND

On 01 September 2006, applicant filed international application PCT/EP2006/065900, which claimed priority of an earlier Germany application filed 12 October 2005. 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 14 April 2008.

On 09 April 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 July 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On September 10, 2008, international application PCT/EP2006/065900 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 05 May 2011, applicant filed a petition under 37 CFR 1.137(b).

On 05 July 2011, the Office mailed a decision dismissing the 05 May 2011 petition.

On 24 August 2011, applicant filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 01 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 August 2011.

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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P.O. BOX 2938
MINNEAPOLIS, MN 55402

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NOV 02 2010

OFFICE OF PETITIONS

In re Application	:	
Kurek et al.	:	DECISION ON PETITION
Application No. 12/089,679	:	TO WITHDRAW
Filed: April 9, 2008	:	FROM RECORD
Attorney Docket No. 060960-0015US	:	

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 30, 2010.

The request is **DISMISSED**.

A review of the file record indicates that a new Power of Attorney was filed on September 8, 2010, by the assignee. Therefore the practitioners associated with Customer Number 76105, were revoked in the above identified application. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions



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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Kurt Muller	:	
Application No.: 12/089,789	:	DECISION ON PETITION
Filed: April 10, 2008	:	UNDER 37 CFR 1.313(c)(1)
Attorney Docket No.: 2005P20116	:	

This is a decision on the petition under 37 CFR 1.313(c), filed September 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

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.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

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

By Internet: EFS-Web¹

Any questions concerning this matter may 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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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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NOV 28 2011

OFFICE OF PETITIONS

In re Application :
Tesar, et al. :
Application No. 12/089,806 : DECISION ON APPLICATION
Filed: April 10, 2008 : FOR PATENT TERM ADJUSTMENT
Docket No. 047744-0121 :

This is a decision on the petition under 37 CFR 1.705(b), filed November 8, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred (200) days to one hundred ninety-seven (197) days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

On August 10, 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 was two hundred (200) days.

The Office initially determined a patent term adjustment of two hundred (200) days based on an adjustment for PTO delay of two hundred (200) days pursuant to 37 CFR 1.703(a)(1), reduced by zero (0) days of applicant delay.

Applicants point out that they should have been assessed additional days of delay under 37 CFR 1.704(c)(8). Applicants filed an Amendment after final on February 18, 2011, and subsequently filed a Supplemental Amendment on February 22, 2011.

37 CFR 1.704(c)(8) states that the submission of a supplemental reply shall result in a reduction of the patent term adjustment, "beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply..." was filed. Accordingly, Applicant delay of four (4) days should have been assessed pursuant to 37 CFR 1.704(c)(8) (not three days as asserted by applicants).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **one hundred ninety-six (196) days** (200 days of PTO delay, reduced by 4 days of applicant delay).

Receipt of the \$200 fee for filing the instant application for patent term adjustment is acknowledged.

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

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



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of PAIR screen



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12089806

Application Filing Date	04/10/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	200
A Delays	200	PTO Manual Adjustment	-4
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	196

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
104	11/16/2011		P028	Adjustment of PTA Calculation by PTO		4	0
96	08/10/2011		MN/=	Mail Notice of Allowance			0
95	08/10/2011		OAR	Office Action Review			0
94	08/10/2011		OAR	Office Action Review			0
93	08/10/2011		IREV	Issue Revision Completed			0
92	08/10/2011		N/=	Notice of Allowance Data Verification Completed			0
91	08/10/2011		DOCK	Case Docketed to Examiner in GAU			0
90	08/10/2011		DVER	Document Verification			0
89	08/05/2011		EX.A	Examiner's Amendment Communication			0
88	08/05/2011		CNTA	Allowability Notice			0
82	06/24/2011		CRFE	CRF Is Good Technically / Entered into Database			0
81	06/21/2011		FWDX	Date Forwarded to Examiner			0
80	06/14/2011		A.QU	Response after Ex Parte Quayle Action			0
79	06/14/2011		C614	New or Additional Drawing Filed			0
78	06/14/2011		XT/G	Request for Extension of Time - Granted			0
77	03/14/2011		MCTEQ	Mail Ex Parte Quayle Action (PTOL - 326)			0
76	03/10/2011		OAR	Office Action Review			0
75	03/09/2011		CTEQ	Quayle action			0
69	02/20/2011		FWDX	Date Forwarded to Examiner			0
68	02/18/2011		A.NE	Amendment after Final Rejection			0
67	02/18/2011		INHNY	case Inherited			0
66	02/18/2011		DOCK	Case Docketed to Examiner in GAU			0
65	12/17/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
64	12/14/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
63	11/19/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0
62	11/18/2010		CTFR	Final Rejection			0
49	09/08/2010		FWDX	Date Forwarded to Examiner			0
48	09/04/2010		A...	Response after Non-Final Action			0
61	09/03/2010		IDSC	Information Disclosure Statement considered			0
52	09/03/2010		RCAP	Reference capture on IDS			0
51	09/03/2010		M844	Information Disclosure Statement (IDS) Filed			0
50	09/03/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
47	09/02/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
46	08/31/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
45	06/04/2010		MCTNF	Mail Non-Final Rejection			0
44	06/03/2010		CTNF	Non-Final Rejection			0
38	04/12/2010		FWDX	Date Forwarded to Examiner			0
37	03/29/2010		ELC	Response to Election / Restriction Filed			0
36	03/29/2010		XT/G	Request for Extension of Time - Granted			0
35	12/29/2009	06/12/2009	MCTRS	Mail Restriction Requirement	200		21
34	12/22/2009		CTRS	Restriction/Election Requirement			0
29	10/27/2009		DOCK	Case Docketed to Examiner in GAU			0
24	10/08/2009		PG-ISSUE	PG-Pub Issue Notification			0
22	07/02/2009		FLRCPT.C	Filing Receipt - Corrected			0
19	05/28/2009		M903	Notice of DO/EO Acceptance Mailed			0
18	05/28/2009		FLRCPT.O	Filing Receipt			0
20	05/27/2009		OIPE	Application Dispatched from OIPE			0
14	10/16/2008		CRFF	Error(s) in CRF Corrected by STIC			0
17	10/15/2008		ADDFLFE	Additional Application Filing Fees			0
16	10/15/2008		SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in			0
15	10/15/2008		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
13	08/28/2008		MPEN	Mail Pre-Exam Notice			0
12	08/28/2008		M922	Sequence disclosure problems			0
11	08/12/2008		ADDFLFE	Additional Application Filing Fees			0
10	08/12/2008		W/OA	Pre-Exam Office Action Withdrawn			0

8	08/12/2008	PGPC	Sent to Classification Contractor	0
7	08/12/2008	FLRCPT.O	Filing Receipt	0
6	08/12/2008	M903	Notice of DO/EO Acceptance Mailed	0
5	08/08/2008	PA..	Change in Power of Attorney (May Include Associate POA)	0
4	08/08/2008	C.AD	Correspondence Address Change	0
43	08/01/2008	IDSC	Information Disclosure Statement considered	0
28	08/01/2008	RCAP	Reference capture on IDS	0
27	08/01/2008	M844	Information Disclosure Statement (IDS) Filed	0
23	08/01/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
21	04/12/2008	371COMP	371 Completion Date	0
0.5	10/12/2006	NEFILE	International Filing date	0

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251 NORTH AVENUE WEST
SUITE 201
WESTFIELD, NJ 07090

MAILED
MAY 04 2011

PCT LEGAL ADMINISTRATION

In re Application of UNSICKER :
U.S. Application No.: 12/089,808 :
PCT Application No.: PCT/DE2006/001602 : **DECISION**
Int. Filing Date: 07 September 2006 :
Priority Date Claimed: 12 October 2005 :
Attorney Docket No.: 7003/78 :
For: METHOD FOR TESTING THE ACCURACY :
OF ANSWERS TO QUIZ QUESTIONS BY MEANS :
OF A QUIZ COMPUTER :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 15 March 2011.

BACKGROUND

On 07 September 2006, applicant filed international application PCT/DE2006/001602, which claimed priority of an earlier Germany application filed 12 October 2005. 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 14 April 2008.

On 10 April 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the international application must be filed.

On 07 August 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 15 March 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 March 2011.

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

**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): 12/089,813	Patent Number (if applicable):
First Named Inventor: Tsutomu SHIBA	Title of Invention: PET FOODS

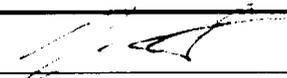
APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

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 	Date 6/10/11
Name (Print/Typed) Vincent K. Shier, Ph.D.	Practitioner Registration Number 50,552
<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 <u>1</u> forms are submitted.	

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUN 15 2011

In re Application of :
Shiba et al. :
Application No. 12/089,813 : **OFFICE OF PETITIONS**
Filed: April 10, 2008 : **DECISION ON PETITION**
Attorney Docket No. 324944US0PCT :

This is a decision on the request filed June 10, 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 February 11, 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 1781 for re-mailing the Office action of February 11, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED
FEB 01 2011
PCT LEGAL ADMINISTRATION

I
In re Application of :
SCHULZE-KOOPS et al. :
Application No.: 12/089,843 :
PCT No.: PCT/EP06/09884 : DECISION ON
Int. Filing Date: 12 October 2006 :
Priority Date: 13 October 2005 : under 37 CFR 1.497(d)
Atty Docket No.: VOSS:019US/10804491 :
For: MEANS AND METHOD FOR THE :
PREDICTION OF JOINT DESTRUCTION :

This is a decision on applicant's request for "Correction of Inventorship Pursuant to 37 CFR 1.497(d)", filed on 24 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 April 2008, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 requesting entry into the U.S. national stage for the above referenced international application.

On 26 September 2008, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. On 25 November 2008, applicant filed a declaration executed by the inventors named in the published international application and by Peter Lipsky.

On 05 March 2009, a Notification of Acceptance was mailed to applicant indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements of 25 November 2008 and the date of completion of all 35 U.S.C. 371 Requirements of 23 February 2009.

On 24 November 2010, applicant filed a petition under 37 CFR 1.497(d) for correction of inventorship, to add Peter E. Lipsky as an inventor. In addition to the \$130 petition fee, Petitioner provided the statement of Peter E. Lipsky as an inventor in support of the correction of inventorship under 37 CFR 1.497(d).

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant has satisfied Items (1) and (2). With regard to Item (3), it appears that there is no assignee for this application. If this is incorrect, applicant must immediately notify the Office and provide the written consent of the assignee to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Peter E. Lipsky as an inventor in this application. (See 37 CFR 3.73(b)). Where there is no assignee, Item (3) above is not required.

CONCLUSION

The petition under 37 CFR 1.497(d) in the above-captioned application is hereby **GRANTED.**

The application will be forwarded to the Technology Center for further review of the application.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/30/12

TO SPE OF : ART UNIT 3643

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/089884 Patent No.: 7954752

CofC mailroom date: 07/29/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: 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: approved /Galen Barefoot/ (1/29/2012)

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120206

DATE : February 7, 2012

TO SPE OF : ART UNIT 3643

SUBJECT : Request for Certificate of Correction on Patent No.: 7954752

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

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

Certificates of Correction Branch - PK 3-910

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

The changes requested have been approved.

SPE: /Peter M. Poon/

Art Unit 3643



MAILED

JUL 20 2011

24IP LAW GROUP USA, PLLC
12 E. LAKE DRIVE
ANNAPOLIS MD 21403

PCT LEGAL ADMINISTRATION

In re Application of	:	
LUKIN, Mikhail, et al.	:	
Application No.: 12/090,020	:	
PCT No.: PCT/US2006/039632	:	
Int. Filing Date: 11 October 2006	:	
Priority Date: 11 October 2005	:	DECISION
Attorney Docket No.: 4062.2562	:	
For: METHOD AND APPARATUS FOR	:	
FAULT-TOLERANT QUANTUM	:	
COMMUNICATION BASED ON	:	
SOLID-STATE PHOTON EMITTERS	:	

This decision is in response to applicants' response to the Notification of Defective Response, filed with the United States Patent and Trademark Office on 16 March 2011.

BACKGROUND

On 08 July 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 September 2008, applicants supplied a declaration of the inventors.

On 16 March 2011, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating the declaration contained non-initialed, non-dated alterations to the information of the fourth inventor and that an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

On 24 March 2011, applicants filed the 08 September 2008 declaration executed by inventor Sorenson with the changes initialed.

DISCUSSION

As set forth in MPEP 605.04(a), "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office ** will require a new oath or declaration >if the alterations are not initialed and dated<. Neither declaration furnished by applicants complies with this provision.

Further the 08 September 2008 contains non-initialed, non-dated alterations to name of the second inventor. The examiner may later request an oath or declaration in compliance with the above requirement.

However, in accordance with a policy change, declarations containing non-initialed, non-dated alterations are being accepted for the purposes of national phase entry, provided they otherwise comply with 37 CFR 1.497(a)-(b). The 08 September 2008 declaration satisfies 37 CFR 1.497(a)-(b).

CONCLUSION

The 08 September 2008 declaration is accepted for the purposes of national phase entry under 37 CFR 1.497(a)-(b).

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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AMS RESEARCH CORPORATION
10700 BREN ROAD WEST
MINNETONKA, MN 55343

MAILED
NOV 04 2011
OFFICE OF PETITIONS

Applicant(s): Buysman, et al.
Appl. No.: 12/090,026
International Filing Date: October 18, 2006
Title: NEEDLE DELIVERY SYSTEM FOR ELECTRODES
Attorney Docket No.: AMS-250-PCT-US
Pub. No.: US 2008/0281269 A1
Pub. Date: November 13, 2008

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 20, 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 since the wrong specification and claims 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 November 13, 2008, 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. 12/090,026

§ 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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Commissioner for Patents
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Decision Date : March 18, 2012

In re Application of :

Kit Hau

Application No : 12090039

Filed : 30-May-2008

Attorney Docket No : E-003.P001/M011.001.NPEUS

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 18, 2012

The request is **APPROVED**.

The request was signed by Li K. Wang (registration no. 44393) on behalf of all attorneys/agents associated with Customer Number 72820 . All attorneys/agents associated with Customer Number 72820 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 Hau, Kit King Kitty
Name2
Address 1 7A Gain Yu Bldg., 104 Warf Rd., North Point
Address 2
City Hong Kong
State
Postal Code
Country HK

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	12090039	
Filing Date	30-May-2008	
First Named Inventor	Kit Hau	
Art Unit	3715	
Examiner Name	NIKOLAI GISHNOCK	
Attorney Docket Number	E-003.P001/M011.001.NPEUS	
Title	Computer-Aided Method and System for Guided Teaching and Learning	
<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:		72820
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Hau, Kit King Kitty	
Address	7A Gain Yu Bldg., 104 Warf Rd., North Point	
City	Hong Kong	
State		
Postal Code		
Country	HK	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Li K. Wang/
Name	Li K. Wang
Registration Number	44393



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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of :
Scherl et al. :
Application Number: 12/090,108 : ON PETITION
Filing Date: 04/14/2008 :
Attorney Docket Number: 7793- :
00-HL :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 19, 2010, for failure to timely reply to the non-final Office action mailed on June 16, 2010, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 21, 2011.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.¹ The three (3)-month extension request filed on February 15, 2011, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on June 16, 2010, and therefore is unnecessary. The extension of time fee paid on February 15, 2011, will be refunded to counsel's deposit account.

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

Application No. 12/090,108

2

The application is referred to Technology Center Art Unit 3732 for further processing.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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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.
12/090,199	05/29/2008	Aaron Hewitt	KIL01 P-445	1199
277	7590	08/12/2011	EXAMINER	
PRICE HENEVELD LLP 695 KENMOOR SE P O BOX 2567 GRAND RAPIDS, MI 49501			CHAPMAN, GINGER T	
			ART UNIT	PAPER NUMBER
			3761	
			MAIL DATE	DELIVERY MODE
			08/12/2011	PAPER

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

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



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PRICE HENEVELD LLP
695 KENMOOR SE
P O BOX 2567
GRAND RAPIDS MI 49501

In re Application of:
HEWITT, AARON
Serial No.: 12/090,199
Filed: April 14, 2008
Docket: KIL01 P-445

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::
:
::

DECISION ON PETITION

Title: ACCESS PORT FOR A MEDICAL
APPLIANCE AND METHOD

This is a decision on the petition filed on June 9, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed Sep. 23, 2010, and that non-elected claims 30, 46-51 be rejoined and examined on the merits. Claims 29 and 31-45 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 Sep. 23, 2010, a restriction requirement was made under 35 USC 121 and 35 USC 372 between various method and apparatus inventions. 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 August 3, 2011, the examiner sent a non-final Office action by modifying the restriction requirement of Sep. 23, 2010 and rejoined one of the non-elected claims, claim 39. The issue remains as to whether or not the non-elected method claims 49-51 are restrictable between the elected apparatus claims.

On pages 3-4 of the petition, petitioner argues that the provision of 37 CFR § 1.475(b) precludes the restriction requirement because the elected apparatus claims are "specially designed" to carry out the claimed process claims 49-51. MPEP § 1893.03(d).

Discussion

The issue in this case is whether or not there is lack of unity of invention between the apparatus as claimed in apparatus claims and the process as claimed in process claims 49-51 under MPEP § 1850

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).

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, the examiner issued a first action on the merits on Dec. 9, 2010 and a subsequent non-final Office action of Aug. 3, 2011. In the non-final Office action of Aug. 3, 2011, the examiner rejected the elected independent apparatus claim 29 as being anticipated by Jensen (USP 4,468,227). Elected claim 29 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.

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.

For the reasons outlined above, the examiner’s restriction requirement between method and apparatus is proper. Petitioner’s request to have the restriction requirement between the apparatus and process will not be granted.

Conclusion

The restriction requirement issued on Sep. 30, 2010 is in accordance with proper Office procedure. Accordingly, the restriction requirement between apparatus and process stands. The petitioner’s request to withdraw the restriction requirement of Sep. 30, 2010 is dismissed.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3761 for awaiting the applicant’s response to the outstanding Office action of Aug. 3, 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. Hajec, Director
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/090,230	10/01/2008	Jan Stemby	05851.0028	1589
22852	7590	08/26/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			GIONTA, ALLISON	
			ART UNIT	PAPER NUMBER
			1777	
			MAIL DATE	DELIVERY MODE
			08/26/2011	PAPER

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

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



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wk

Mailed : 8/26/11
In re Application of
Sternby et al.
Serial No. 12/090,230
Filed: October 1, 2008
For: EXTRACORPOREAL BLOOD CLEANING

: DECISION ON
: PETITION
:
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on June 9, 2011 2011.

The Examiner on February 23, 2010 made a restriction requirement for claims 1-50 under lack of unity.

Group 1, claims 1-26 drawn to an apparatus for extracorporeal blood cleaning

Group 2, claims 27-50 drawn to a method for extracorporeal blood cleaning.

The Examiner asserts that Groups 1 and 2 lack unity of invention because both groups of claims require a separation unit, two processing branches, a mixing unit wherein one processing branch washes blood cell fraction and the second processing branch washes the blood plasma fraction. The Examiner cites Ishak (US 5,942,112) teaches an ultradialyzer for removing toxins from a patient's blood that separates the plasma fluid of the blood from the cellular components, dialyzes the blood component and the plasma component separately, and then recombines the dialyzed plasma filtrate with the dialyzed cellular blood component. Ishak teaches that the blood and plasma may be dialyzed using diffusion, ultrafiltration and convection to separate to dialyze the fractions.

Applicant on May 21, 2010 provisionally elected, with traverse, to prosecute Group I. Applicant also set forth arguments as to why there was unity of invention. Applicant also sets forth that any species requirement is improper because there is no lack of unity. The Examiner in an Office Action on July 27, 2010, required a restriction between Groups I and II and also required an election of a single operating unit for the first processing branch for the group consisting of:

- A1 -a convection unit
- A2- a convection unit, a drug inserting unit and light processing unit;
- A3- a drug inserting unit and a light processing unit;
- A4- an ultrasound unit

12/090,230

A5- an electroporing unit,
A6- a chemotherapy unit, and
A7- a gas induction unit.

And further required an election of a single operating unit for the second processing branch from the group consisting of:

B1- a dialysis unit
B2- an acid-level-adjustment unit,
B3- a drug inserting unit,
B4- a light-processing unit,
B5- an adsorption unit,
B6- an electro dialysis unit,
B7- a heating unit, and
B8- an antioxidant -inducing unit.

Applicant on January 21, 2011, elected, with traverse, to prosecute Group I and provisionally elected Species A1 and B2, thereby, provisionally electing to prosecute claims 1-6 and 11-13.

Applicant asserts the Ishak's fails to disclose, teach, or otherwise suggest "a second cleaning process different from a first cleaning process. Ishak's dialyzer is not capable of processing a first fraction of blood according to a first cleaning process, and processing a second fraction of blood according to a second cleaning process different from the first cleaning process. Ishak discloses a single-housing, dual compartment dialyzer configured to separate blood plasma from blood cells, where each fraction is dialyzed separately.

As provided in 37 CFR 1.475(a), a national stage 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"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention 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. The Examiner in addition to citing a reference to demonstrate a lack of unity has also made an art rejection to the claims thereby demonstrating that the technical features claimed do not define a contribution over the prior art.

DECISION

The petition is **DENIED**.

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

12/090,230

Aaron L. Parker

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

LLP

901 NEW YORK AVENUE, NW

WASHINGTON DC 20001-4413



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/090,233	12/22/2008	James P. Landers	1036.151US1	1598

21186 7590 10/11/2011
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

CROW, ROBERT THOMAS

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
10/11/2011	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):

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request@slwip.com



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OCT 11 2011

Timothy J. Christman
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
Landers et al :Decision on Petition
Serial No.: 12/090,233 :
Filed : 22 December 2008 :
Attorney Docket No.: 1036.I5IUS1 :

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on 26 August 2011 requesting reconsideration of the lack of unity requirement mailed 22 April 2011.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to consideration under PCT unity of invention rules.

On 22 April 2011, the examiner set forth a lack of unity requirement which divided the claims 1-33 into three groups as follows:

Group I, claim(s) 1-15, drawn to a system.

Group II, claim(s) 16-30, drawn to a method of making a system.

Group III, claim(s) 31-33, drawn to a method of conducting chemical analysis.

For this restriction, the examiner interpreted the "system" of Claim 1 as a product.

On 23 May 2011, applicants elected Group I, claims 1-15 with traverse.

On 15 June 2011, the examiner considered the traversal and made the lack of unity determination FINAL. Claims 16-30 were withdrawn from consideration as being directed to a non-elected invention. Claims 1-15 were examined on the merits and rejected over prior art. In particular, independent claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

Independent claim 1 was also rejected under 35 U.S.C. 103(a) as being unpatentable over Wilding and Harrison.

On 26 August 2011, applicants filed a response to the Office action and this petition.

DISCUSSION

The file history and petition have been considered carefully. All claims to Group III have been cancelled. Applicant seeks concurrent examination of Group I and Group II.

PCT Rules 13.2 states that:

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.

Concerning the Lack of Unity Requirement Made between Group I (product) and Group II (process of making the product):

To show unity of invention lacking between a product and the method of making the product, applicants are correct that the examiner would need to address the technical feature shared by the product of Group I and the process of Group II. In this instance, the shared technical feature is the product (the system) of claim 1.

Chapter 10 of the ISPE Guidelines makes it clear that the contribution must be both in terms of novelty, which corresponds to anticipation under US practice, and inventive step, which corresponds to unobviousness under US practice. The criteria for determining the concept of "contribution over the prior art" is further discussed in Chapter 10 of the International Search and Preliminary Examination Guidelines:

Rule 13.2; AI Annex B, Part 1(b)

10.02 Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," is 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.

The examiner originally supported the lack of unity of invention determination by identifying Harrison as teaching the system of Claim 1. In this instance, in the outstanding Office action, the examiner has cited prior art as anticipating and also rendering obvious the shared technical feature, i.e., the system of claim 1. Because of the outstanding prior art rejection(s) on the product of Group I, unity of invention remains lacking between Group I and Group II.

Should all claims to the elected product of Group I become in condition for allowance, MPEP 1893.05(d) provides the following guidance on rejoinder practice for applicants filed in compliance with 35 U.S.C 371.

If an examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are allowable (i.e., meet the requirements of 35 U.S.C. 101, 102, 103 and 112), the nonelected invention(s) should be considered for rejoinder.... Any nonelected processes of making and/or using an allowable product should be considered for rejoinder.

DECISION

The petition filed under 37 CFR 1.144 on 26 August 2011 is **DENIED**.

The lack of unity determination set forth on 22 April 2011 among the Groups I, II and II has been maintained.

Applicant's arguments concerning the merits of the art rejections go beyond the scope of this petition decision, which is limited to procedural matters.

The request for rejoinder between the product, the "system" of Group I and process of making the system of Group I (Group II) is dismissed as premature, given that the product does not make a contribution over the prior art, as evidenced by the outstanding rejections under 35 U.S.C. 102(b) and under 35 U.S.C. 103(a). Should all claims to the elected invention become free of the prior art and should all claims to the process invention require all the limitations of the allowable product, the examiner should then consider rejoinder of Group II with Group I, per MPEP 821.04.

The application will be forwarded to the examiner for consideration of the papers filed 26 August 2011.

Any request for reconsideration of this decision should be filed within TWO (2) months of the mail date of this decision.

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



Jackie Stone
Director, Technology Center 1600



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THE LUTHER LAW FIRM, PLC
10575 N 114TH STREET
SUITE 103
SCOTTSDALE AZ 85259

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of

HU, Jifan

Application No. 12/090,247

Filed: September 22, 2008

Attorney Docket No. **GMR-002US**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

The request is **APPROVED**.

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

The request was signed by Barbara J. Luther on behalf of all attorneys of record who are associated with customer No. 51951. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jifan Hu 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: **JIFAN HU**
745 SEMINOLE WAY
PALO ALTO, CA 94303



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**NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110**

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JUN 07 2011

OFFICE OF PETITIONS

In re Application of :
Katja Salomon Johansen, et al. :
Application No. 12/090,400 :
Filed: April 16, 2008 :
Attorney Docket No. 10780.204-US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 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). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed September 22, 2010, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, 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 November 23, 2010. 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2,350 extension of time fee submitted with the petition on May 4, 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 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. 12/090,400.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Date Mailed

: January 15, 2011

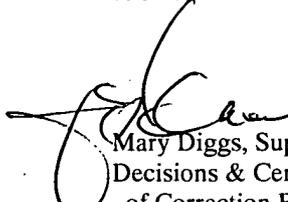
Patent No. :7847105
Inventor :Sanjeev Gangwar et al
Patent Issued :December 7, 2010
Title :METHODS AND COMPOSITIONS FOR PREPARING CC-1065 ANALOGS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 37 CFR 1.322 and 1.323.

Accordingly, applicants request is denied due to non-compliance with filing requirements for formatting procedures in requesting corrections to the Letters Patent. To have further considered proposed changes applicant may resubmit a request under 37 CFR 1.322 and/or 1.323 which clearly identifies on the PTO-1050 form the point of reference as presented in the printed patent by use of column and line numbers as well as directives e.g. add, delete. For more detailed instructions concerning formatting and procedures for requesting corrections under 37 CFR 1.322/1.323 see MPEP 1485.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificate of Correction Branch. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541


Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch

(703) 756-1580 or (703) 756-1541

Brian C. Trinque, Ph.D
Nelson Mullins Riley & Scarborough, LLP
One Post Office Square
Boston, Massachusetts 02109-2127

/arg



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P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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APR 14 2011

In re Application of :
PECK *et al* :
Application No.: 12/090,469 :
PCT No.: PCT/EP2006/066652 :
Int. Filing Date: 22 September 2006 :
Priority Date: 18 October 2005 :
Atty. Docket No.: 15407.0063USWO :
For: METHOD FOR OPERATION OF :
AN INTERNAL COMBUSTION... :

PCT LEGAL ADMINISTRATION

DECISION

This is a decision on applicant's "REQUEST FOR CORRECTED FILING RECEIPT" filed in the Patent and Trademark Office (PTO) on 08 September 2008, which has been treated as a petition under 37 CFR 1.181. The petition is **DISMISSED** without prejudice as discussed below.

BACKGROUND

On 22 September 2006, applicants filed international application No. PCT/EP2006/066652 which claimed a priority date of 18 October 2005, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 18 April 2008.

On 16 April 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the basic national fee and an unexecuted declaration of the inventors.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required.

On 18 June 2008, applicants filed a declaration of the inventors and the requisite surcharge.

On 27 June 2008, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 102(e) and 371(c) of 18 June 2008. Subsequently, the PTO mailed a filing receipt indicating a corresponding "FILING or 371(c) DATE."

On 08 September 2008, applicants filed the present request urging that a new filing receipt be issued which indicates a "FILING or 371(c) DATE" of 16 April 2008.

DISCUSSION

With regard to applicants' request for correction of the "FILING or 371(c) DATE," applicants' attention is directed to section 1893.03(b) of the Manual of Patent Examining Procedure (MPEP) which states, in part:

37 CFR 1.496(a), first sentence, reads "International applications which have complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met." Thus, when the file wrapper label or PALM bib-data sheet and filing receipt are printed, the information is read from the PALM data base and the information printed in the filing date box is the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements rather than the actual international filing date.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), a copy of which is reproduced in MPEP § 1893.03(a), indicates the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and it also indicates the date of completion of all 35 U.S.C. 371 requirements, which is further explained below. >Filing receipts are mailed concurrently with the mailing of the Form PCT/DO/EO/903.<

The "Application Filing Date" field 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.

A review of the present application file reveals that the requirements of 35 U.S.C. 371(c) were not satisfied until the filing of the executed declaration of the inventors on 18 June 2008. Therefore, the correction of the "FILING or 371(c) DATE" on the filing receipt to indicate a date of 16 April 2008, would not be proper since applicants had not completed the requirements set forth in 35 U.S.C. 371(c) on that date.

CONCLUSION

For the reasons above, applicants' request for a corrected filing receipt is **DISMISSED** without prejudice.

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

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

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281



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FEB 27 2012

In re Patent of Lowe et al. :
Patent No. 8,105,587 :
Issued: January 31, 2012 :
Application No. 12/090,490 : **OFFICE OF PETITIONS**
371(c)Date: April 17, 2008 : **ON APPLICATION FOR**
Atty Docket No. 34610-US-PCT : **PATENT TERM ADJUSTMENT**

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (37 C.F.R. § 1.705(d)), filed February 1, 2012. Patentees request 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 at least four hundred ninety-four (494) days.

The petition is **GRANTED to the extent indicated below**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred seventy-two (372) days.

On January 31, 2012, the above-identified application matured into U.S. Patent No. 8,105,587, with a revised patent term adjustment of 374 days. On February 1, 2012, patentees timely submitted a petition for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is at least 494 days.

Pursuant to their duty of good faith and candor to the Office, patentees disclose the Office erred in calculating the period of adjustment of Office delay in mailing at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on

which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. Patentees contend the period of adjustment should be 375, not 377 days. Applicants contend the period of adjustment should be 568 days. Patentees argue that April 28, 2008 is the completion date and should be the date from which the 14 month period is calculated. The Office calculated the 14 month period from April 26, 2008.

Patentees are correct. The date of completion of all 35 U.S.C. 371 requirements is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the Office has failed to mail a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than 14 months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

- (A) the date of submission of the basic national fee;
- (B) the date of submission or communication of the copy of the international application;
- (C) the date of submission of the translation of the international application if the international application is not in the English language;
- (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371(c)4)
- (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date;
- (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements requiring either an English translation of the international application or an oath or declaration; and
- (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on Saturday, April 26, 2008, the period expired on the subsequent business day, April 28, 2008. See PCT Rule 80.5. Accordingly, the commencement date is Monday, April 28, 2008, and entry of a period of adjustment of 375 days (beginning on

June 29, 2009, which is the date after 14 months after the date of completion, to July 8, 2010, the date a restriction requirement was mailed) is warranted. The 377 day period of adjustment is being removed and a 375 day period of adjustment is being entered.

In calculating the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay"), patentees indicate the period of delay is 278 days, beginning on April 29, 2011, which is the day after three years after the date of commencement, and ending on January 31, 2012, the date of issuance of the patent. As an alternative, patentees argue that the period of B delay should be 278 -79 days, which corresponds to April 29, 2011 to January 31, 2012 minus the length of time between the date the RCE was filed on July 14, 2011 and the date the Notice of Allowance was mailed on September 30, 2011. However, patentees' proposed calculations of the period of B Delay do not properly take into consideration the effect the filing of a RCE has on the calculation of the period of B delay.

Unless a Request for Continued Examination ("RCE") is filed, the period of B Delay ends of the date the patent issues. In this case, a RCE was filed July 14, 2011. B Delay does not include any time consumed by continued examination of the application requested by the applicant under section 132(b).

Per the language of 37 CFR 1.703(b)(1):

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

As stated above, the number of days beginning on the date a RCE was filed and ending on the issuance date of the patent are not included in the B Delay period. The period of B Delay in this case remains 76 days, which is the number of days beginning on

April 29, 2011, the day after the date three years after the application's commencement date, and ending on July 13, 2011, the day before the date the RCE was filed. The filing of a RCE cuts off accumulation of any additional period of adjustment for the over three year calculation. All days from the date the RCE was filed to the date of issuance are not included, per 37 CFR 1.703(b)(1).

In light of the above, the patent term adjustment days is three hundred seventy-two (372) days, which is the sum of 375 days of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") and 76 days of B Delay, reduced by 79 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 submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred seventy-two (372) days**.

Telephone inquiries specific to this matter 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
CERTIFICATE OF CORRECTION

PATENT : 8,105,587 B2

DATED : **January 31, 2012**

DRAFT

INVENTOR(S) : Lowe 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 374 days

Delete the phrase "by 374 days" and insert – by 372 days--



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MAGNA INTERNATIONAL INC.
337 MAGNA DRIVE
AURORA ON L4G-7K1 CA CANADA

MAILED

JAN 26 2012

OFFICE OF PETITIONS

In re Application of :
Wilkes, et al. :
Application No. 12/090,523 : ON PETITION
Filed: April 17, 2008 :
Attorney Docket No. 705294US :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 23, 2011.

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

The above application became abandoned for failure to timely file a reply in response to the Notice Requiring Excess Claims Fees, mailed December 13, 2010. This Notice set an extendable period for reply of one month to submit \$220 for one extra independent claim. No reply having been received, the application became abandoned on January 14, 2011. The Office mailed a Notice of Abandonment on June 22, 2011. Thereafter, Applicants filed the \$220 fee on July 13, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay and paid the petition fee. The required reply (the \$220 excess independent claim fee) was previously filed on July 13, 2011.

The application is being forwarded to Group Art Unit 3725 for consideration of the Amendment, filed December 10, 2010.

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

Cliff Congo
Cliff Congo
Petitions Attorney
Office of Petitions

27 SEP 2010



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MCDONNELL BOEHNEN HULBERT
& BERGHOFF LLP
300 S. WACKER DRIVE, SUITE 3100
CHICAGO IL 60606

In re Application of
Konradi et al.
Application No.: 12/090,616
PCT No.: PCT/US2006/032261
Int. Filing Date: 18 August 2006
Priority Date: 19 August 2005
Attorney Docket No.: 05-295-D-US
For: Bridged N-Bicyclic Sulfonamido
Inhibitors Of Gamma Secretase

DECISION

This is in response to the renewed petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.182 filed on 21 September 2009.

DISCUSSION

Petition Under 37 CFR 1.47(a)

In a Decision mailed on 22 July 2009, the petition under 37 CFR 1.47(a) filed on 08 January 2009 was dismissed, without prejudice, because requirements (2) and (4) had not been satisfied.

In response, petitioner has presented a declaration signed by the formerly non-signing inventor, Matthew Mattson. As such, the petition under 37 CFR 1.47(a) has been rendered moot.

Petition Under 37 CFR 1.182

In the Decision mailed on 22 July 2009, applicants were advised that

inspection of the declaration of inventorship filed on 08 January 2009 reveals that it nominates "Christopher M. Semko" in place of "SEMKO, Chris, M." named in the published international application. In that this represents more than a mere typographical or transliteration error, or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 would be required for the declaration using this name to be accepted. See MPEP 605.04(b) and (c).

In response, petitioner has submitted a petition under 37 CFR 1.182. With respect to the international application, petitioner states that "Mr. Semko's first name should not have been listed as 'Chris,' rather, it should have been listed as 'Christopher.'" However, it is not clear from the record that petitioner's statements are made on the basis of first-hand knowledge. It would be appropriate to provide a first-hand statement from Mr. Semko stating the relevant facts.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

Appln. No.: 12/090,616

Page 2

Tel: (571) 272-3283



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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

JAN 13 2011

In re Application of : OFFICE OF PETITIONS
Jin Xu et al. :
Application No. 12/090,744 : DECISION ON PETITION
Filed: October 8, 2008 :
Attorney Docket No. **66519 (71417)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1649 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions



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

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of :
Herbert H. THORP, et al. :
Application No. 12/090,764 :
Filed: October 13, 2008 :
Attorney Docket No. **053607/343016** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 29, 2010, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 30, 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(1) the required reply. The Notice of Appeal filed June 29, 2010 is not considered a proper reply to a non-final rejection.

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 Monica A. Graves at (571) 272-7253.


Thurman K. Page
Petitions Examiner
Office of Petitions



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BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of :
Herbert H. THORP, et al. :
Application No. 12/090,764 : DECISION ON PETITION
Filed: October 13, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **05360/343016** :

CORRECTED DECISION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 29, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 30, 2010.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1639 for appropriate action by the Examiner in the normal course of business on the reply received.


Thurman K. Page
Petitions Examiner
Office of Petitions

30 SEP 2010



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K&L Gates LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of
HUBER et al. :
Application No.: 12/090/783 : DECISION ON
PCT No.: PCT/EP06/067530 : PETITION
Int. Filing Date: 18 October 2006 :
Priority Date: 18 October 2005 : UNDER 37 CFR 1.47(b)
Attorney's Docket No.: 119065-753 :
For: MULTIPLE RESONANT ANTENNA :
UNIT, ASSOCIATED PRINTED CIRCUIT :
BOARD AND RADIO COMMUNICATION :
DEVICE :

This is a decision on Applicant's "Renewed Petition under 37 CFR 1.47(b)", filed 28 October 2009 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing joint inventors STEFAN HUBER and MICHAEL SCHREIBER. Applicant requests a four month extension of time, which is granted.

BACKGROUND

On 18 October 2006, applicant filed international application No. PCT/EP06/67530 which claimed a priority date of 18 October 2005, and which designated the United States.

On 18 April 2008, prior to the expiration of the 30 month period from the priority date, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, basic national filing fee.

On 02 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 02 February 2009, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). On 28 April 2009, a decision dismissing the petition was mailed to applicant indicating that the requirements of 37 CFR 1.47(a) were not satisfied. Thereafter, on 28 May 2009, a Notification of Acceptance was erroneously mailed to applicant indicating that the requirements of 35 U.S.C. 371 were met.

DISCUSSION

The Notification of Acceptance mailed on 28 May 2009 was mailed in error and is hereby VACATED.

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after

diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Items (1), (3) and (6).

Refusal to Sign

With respect to Item (2), Petitioner provides the statement of Dr. Cletus Von Pichler, German and European patent attorney, for the 37 CFR 1.47(b) petitioner. Dr. Von Pichler indicates that on 03 June 2009, he sent a copy of the application at issue and declaration to the nonsigning inventors at their respective last known address. Dr. Von Pichler states that a postal receipt indicating that the correspondence was delivered to the respective inventors was returned to him. No response to the correspondence has been received from either inventor. Item (2) is now satisfied as Petitioner presented a complete copy of the application papers to the nonsigning inventors for their signature and by their conduct, it can now be concluded that nonsigning inventors Huber and Schreiber refuse to sign the application.

Declaration

To satisfy Item (4) Petitioner submitted a declaration executed by Patricia Kane Schmidt, attorney for PALM, Inc. as the 37 CFR 1.47(b) petitioner on behalf of the nonsigning inventors. Ms. Schmidt states that she is authorized to sign on behalf of the corporation. The declaration submitted is now acceptable and thus, Item (4) is satisfied.

Proprietary Interest in the subject matter

Petitioner has now satisfied Item (5) above. Dr. von Pichler also states that the agreement between Siemens and Mr. Huber and Mr. Schreiber respectively, executed on 28 June 2005 identifies the invention disclosure "Double-resonant antenna structure", the same invention at issue.

Petitioner provided the assignment between the insolvency administrator of BenQ Mobile GmbH and Palm, Inc., which identifies PCT/EP06/67530. The assignment of the above identified invention from Siemens to BenQ Corporation, specifically with respect to the present application has been clarified. Counsel has demonstrated how this agreement is directed to the above referenced application. The evidence provided indicates that the 37 CFR 1.47(b) applicant has sufficient proprietary interest. Item (5) is satisfied.

Accordingly, items (1)- (6) above have now been satisfied and the petition under 37 CFR 1.47(b) is granted.

CONCLUSION

The 28 May 2009 Notification of Acceptance mailed on was mailed in error and is hereby VACATED.

The petition under 37 CFR §1.47(b) is GRANTED.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed. The application has an international filing date of 18 October 2006 under 35 U.S.C. 363, and a date of 28 October 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Application No.: 12/090,783

3

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

30 SEP 2006



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MICHAEL SCHRIEBER
SCHUSTERSTR. 12
85653 MUNICH
GERMANY

In re Application of :
HUBER et al. :
Application No.: 12/090/783 :
PCT No.: PCT/EP06/067530 :
Int. Filing Date: 18 October 2006 :
Priority Date: 18 October 2005 :
Attorney's Docket No.: 119065-753 :
For: MULTIPLE RESONANT ANTENNA :
UNIT, ASSOCIATED PRINTED CIRCUIT :
BOARD AND RADIO COMMUNICATION :
DEVICE :

Dear Mr. Schrieber:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

K&L Gates LLP
P.O. BOX 1135
CHICAGO IL 60690

30 SEP 2010



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MICHAEL SCHRIEBER
SCHUSTERSTR. 12
85653 MUNICH
GERMANY

In re Application of :
HUBER et al. :
Application No.: 12/090/783 :
PCT No.: PCT/EP06/067530 :
Int. Filing Date: 18 October 2006 :
Priority Date: 18 October 2005 :
Attorney's Docket No.: 119065-753 :
For: MULTIPLE RESONANT ANTENNA :
UNIT, ASSOCIATED PRINTED CIRCUIT :
BOARD AND RADIO COMMUNICATION :
DEVICE :

Dear Mr. Schrieber:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
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RANBAXY INC.
INTELLECTUAL PROPERTY DEPARTMENT
600 COLLEGE ROAD EAST
PRINCETON, NJ 08540

MAILED

SEP 17 2010

OFFICE OF PETITIONS

Applicant: Ray, et al.
Appl. No.: 12/090,805
International Filing Date: October 19, 2006
Title: Pharmaceutical Compositions Of Muscarinic Receptor Antagonists
Attorney Docket: RLL-778US
Pub. No.: US 2009/0221664 A1
Pub. Date: September 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 14, 2009 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 the preliminary amendment filed on May 16, 2008 was not included in 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 request for corrected publication, received on December 14, 2009, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The “failure to include an amendment is not an Office error.” See MPEP 1130(b). The publication accurately reflected the specification as filed.

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 requirements for inclusion of an amendment in a patent application publication are set forth in 37 C.F.R. § 1.215. § 1.215(a) states that the publication may be based upon amendments to the specification that are reflected in a substitute specification, provided that such substitute specification is submitted before technical preparations for publication have begun, generally four months before the projected date of publication. (emphasis added) § 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on December 14, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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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MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO, IL 60606

MAILED
AUG 03 2011
OFFICE OF PETITIONS

In re Application of :
Gerard Marque-Pucheu, et al. :
Application No. 12/090,814 : DECISION ON PETITION
Filed: April 18, 2008 :
Attorney Docket No. 28944/50110 :

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.

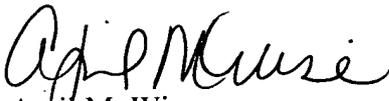
This application became abandoned for failure to timely pay the issue and publication fees on or before July 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 1, 2011. Accordingly, the date of abandonment of this application is July 2, 2011.

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning 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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POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of	:	
George BERGE	:	
Application No. 12/090,862	:	DECISION ON PETITION
Filed: May 19, 2008	:	
Attorney Docket No. 0255-106	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 29, 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 June 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,860.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of March 29, 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 3725 for appropriate action by the Examiner in the normal course of business on the reply received.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



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

MAILED

JUL 08 2011

In re Application of :
Makoto Kuwamura : **OFFICE OF PETITIONS**
Application No. 12/090,910 :
Filed: April 21, 2008 : DECISION ON PETITION
Attorney Docket No. PRM0205US : UNDER 37 CFR 1.313(c)

This is a decision on the petition under 37 CFR 1.313(c), filed July 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 9, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



MAILED

FEB 24 2011

MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202

PCT LEGAL ADMINISTRATION

In re Application of WILMS et al.	:
Application No.: 12/090,913	:
PCT No.: PCT/EP06/66894	: DECISION ON
Int. Filing: 29 September 2006	:
Priority Date: 21 October 2005	: PETITION
Attorney Docket No.: 022862-1138-US00	:
For: CONNECTING DEVICE FOR A WIPER	: UNDER 37 CFR 1.47(a)
ARM	:

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 15 December 2010. Petitioner's request for an extension of time is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 15 June 2010 and is hereby incorporated by reference.

On 18 November 2010, the USPTO sent a Notification of Abandonment to applicant indicating that the application went abandoned for failure to reply to the decision mailed on 15 June 2010. The time period to reply to the 15 June 2010 decision expired on 15 August 2010, with extensions of time available under 37 CFR 1.136(a) until 15 January 2011. The Notification of Abandonment was erroneously issued and will be vacated.

DISCUSSION

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

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2), Petitioner now provides a first-hand statement of fact from Edward R. Lawson, Jr., attorney of record and Holly Rhodes, legal assistant. Ms. Rhodes' statement relates to her preparation and shipment of the application papers to the non signing inventor via DHL. Delivery of these papers was not completed.

Mr. Lawson's statement indicates that on 14 December 2010, he "called the phone number for Mr. Claes' employer [Pelzer] and was told 'he is gone'". (§ 9) Mr. Lawson's attempt to call Claes' cell phone number was "not completed as dialed". (§ 9) On 15 December 2010, Mr. Lawson conducted an internet people search for the nonsigning inventor using "linkedin.com", "bing.com" and "google.com". Copies of the search results were attached to his statement. A review of the "LinkedIn" results indicated that Mr. Claes worked for HP Pelzer until September 2010. It appears that no further search for Mr. Claes' current employer was conducted, which may be available via that search engine.

It is clear that Mr. Claes was no longer working at Pelzer on 14 December 2010 when the call to Pelzer was placed. It does not appear that Mr. Lawson made any inquiry of Pelzer as to where Claes was currently employed or for his current address and phone number. Moreover, it is unclear that the address for Mr. Claes is no longer current as it appears from the DHL tracking statement that only one attempt to deliver the package of application papers to Mr. Claes was made -at 12:29 pm on Thursday, 16 November 2010, where it was noted that the recipient was not home. It may be that Mr. Claes was not at home but was at work or on vacation at the time of the attempted delivery. See MPEP 409.03(d). No inquiry was made of the Belgium postal authority to confirm the last known address or a forwarding address for Claes. An inquiry of the joint inventor may be helpful in locating Mr. Claes to obtain his signature.

Thus, from the evidence presented, it cannot be concluded at this time that the nonsigning inventor was presented with a complete copy of the application papers and refuses to sign or that he cannot be located or is unavailable to sign the application papers. Item (2) above is not satisfied.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The Notification of Abandonment mailed on 18 November 2010 is hereby **VACATED**.

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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,

App. No: 12/090,913

3

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

/ Cynthia M. Kratz/

Cynthia M. Kratz

Attorney Advisor

Office of PCT Legal Administration

Telephone: (571) 272-3286

Facsimile: (571) 272-0459



MAILED

SEP 22 2011

MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202

PCT LEGAL ADMINISTRATION

In re Application of WILMS et al.	:
Application No.: 12/090,913	:
PCT No.: PCT/EP06/66894	: DECISION ON
Int. Filing: 29 September 2006	:
Priority Date: 21 October 2005	: PETITION
Attorney Docket No.: 022862-1138-US00	:
For: CONNECTING DEVICE FOR A WIPER	: UNDER 37 CFR 1.47(a)
ARM	:

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 25 July 2011. Petitioner's request for a three month extension of time is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 15 June 2010 and is hereby incorporated by reference. On 24 January 2011, a decision dismissing the renewed petition under 27 CFR 1.47(a) was mailed to applicant.

DISCUSSION

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

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2), Petitioner provides a second declaration of Edward R. Lawson, Jr., attorney of record, which indicates that he located Mr. Claes' current employer and caused a complete copy of the application papers to be delivered to him at his new employment address. Ms. Holly Rhodes, Mr. Lawson's paralegal, also submitted a declaration indicating that she sent

a package to Mr. Claes at his new employer, Terumo Europe. Ms. Rhodes also sent a facsimile to the employer asking that a message be passed to Mr. Claes to have him contact the law firm, toll-free. According to Ms. Rhodes on 23 June 2011, Mr. Claes called the firm and spoke with attorney David R. Price. Thereafter, on 12 July and 21 July 2011, Ms. Rhodes sent followup correspondence to Mr. Claes through Terumo Europe by facsimile.

Mr. David Price, attorney at Michael Best & Friedrich, provided a declaration, which indicates that on 23 June 2011, Mr. Claes called the law firm and spoke with Mr. Price. After discussing the declaration and assignment documents at length with Mr. Price, Mr. Claes indicated that he would execute the declaration form and return it by facsimile. Mr. Price provided him with the law firm's facsimile number. Followup correspondence via facsimile was sent to the nonsigning inventor on 12 July and 21 July 2011. To date, no response has been received from the inventor.

From the evidence presented, it can now be concluded that the nonsigning inventor was presented with a complete copy of the application papers and that by his conduct, he refuses to sign the papers. Item (2) above is satisfied.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is GRANTED.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 10 December 2008. The application has an international filing date of 29 September 2006 under 35 U.S.C. 363, and a date of 10 December 2008 under 35 U.S.C. 371©.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 22 2011

PCT LEGAL ADMINISTRATION

MR. DAVE CLAES
POSTWEG 29
3150 TILDONK
BELGIUM

MR. DAVE CLAES
% TERUMO EUROPE N.V.
BENELUX SALES DIVISION
INTERLEUVENLAAN 15/A
LEUVEN, 3001, 3001
BELGIUM

In re Application of WILMS et al.
Application No.: 12/090,913
PCT No.: PCT/EP06/66894
Int. Filing: 29 September 2006
Priority Date: 21 October 2005
Attorney Docket No.: 022862-1138-US00
For: CONNECTING DEVICE FOR A WIPER ARM

Dear Mr. Claes:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202



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.
12/090,925	04/21/2008	Hitohiko IDE	8007-1172	7974
466	7590	11/24/2010	EXAMINER CHUO, TONY SHENG HSIANG	
YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			ART UNIT 1729	PAPER NUMBER
			NOTIFICATION DATE 11/24/2010	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):

DocketingDept@young-thompson.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 23, 2010

BC

In re application of :
Hitohiko Ide :
Serial No. 12/090,925 :
Filed: April 21, 2008 :
For: RUBBER COMPOSITION :
: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND
: PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed October 01, 2010.

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 independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:

- a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

The request to participate in the PPH program and petition fail because:

(3) The claims of the present application do not sufficiently correspond to the allowed/patented claims in the JPO application, because claim 1 of the present application does not require that the surface layer be made of the "same material" as the active material layer. Specifically, present claim 1 states that the surface layer "is the same or different from the metallic material."

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.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
12/090,925	04/21/2008	Hitohiko IDE	8007-1172	7974
466	7590	01/21/2011	EXAMINER	
YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			CHUO, TONY SHENG HSIANG	
			ART UNIT	PAPER NUMBER
			1729	
			NOTIFICATION DATE	DELIVERY MODE
			01/21/2011	ELECTRONIC

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

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

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

DocketingDept@young-thompson.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 20, 2011

BC

In re application of :
Hitohiko Ide :
Serial No. 12/090,925 :
Filed: April 21, 2008 :
For: RUBBER COMPOSITION :
: 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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 27, 2010.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:

Application No. 12/090,925

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12090931
Filing Date	21-Apr-2008
First Named Inventor	Dominik Feuerbach
Art Unit	1624
Examiner Name	CECILIA JAISLE
Attorney Docket Number	093286-0150
Title	NOVEL 1-AZA-BICYCLOALKYL DERIVATIVES

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 2012.01.11
 - 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 D. Strain/
Name	Paul D. Strain
Registration Number	47369



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 11, 2012

In re Application of :

Dominik Feuerbach

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12090931

Filed : 21-Apr-2008

Attorney Docket No : 093286-0150

This is an electronic 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 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 1624 for processing of the request for continuing examination under 37 CFR 1.114 .

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

HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

MAILED

MAR 27 2012

OFFICE OF PETITIONS

In re Application of :
Block, et al. :
Application No. 12/090,986 :
Filed: August 11, 2010 :
Attorney Docket No. BLOCK-3 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 6, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned November 24, 2011 for failure to timely submit a proper reply to the non-final Office action mailed August 23, 2011. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was timely submitted. Notice of Abandonment was mailed March 1, 2012.

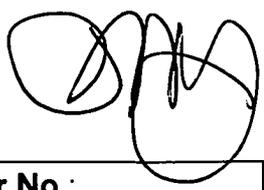
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a continuing application under 37 CFR 1.53(b); (2) the required petition fee; and (3) a proper statement of unintentional delay.

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. 13/402,711 filed February 22, 2012.

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



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

r No.: _____

DATE : 05/4/11

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No 12/091,006 7876574

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)

**Should the change(s)
Be made?**

RoChاون Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: Approved.

/Jinhee Lee/ 2835
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.
12/091,022	04/21/2008	Masashi Urabe	URABE=I	8592
1444	7590	09/06/2011	EXAMINER	
Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006			BURKHART, MICHAEL D	
			ART UNIT	PAPER NUMBER
			1633	
			MAIL DATE	DELIVERY MODE
			09/06/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 2 2011

In re Application of :
Mashashi Urabe, et al. :
Serial No. 12/091022 :
Filed: April 21, 2008 :
For: AAV VECTORS PRODUCED :
IN INSECT CELLS :

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR 1.313(b)

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to the SPE, Joseph Woitach at (571) 272-0739.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Jacqueline Stone, Director
Technology Center 1600

BROWDY AND NEIMARK, PLLC
1625 K STREET, NW
SUITE 1100
WASHINGTON, DC 20006



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NOV 22 2011

OFFICE OF PETITIONS

FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
6501 WILLIAM CANNON DRIVE WEST
TX30/OE62
AUSTIN TX 78735

In re Application of :
SCOTT *et al* :
Application No.: 12/091,034 :
PCT No.: PCT/EP2005/011345 :
Int. Filing Date: 21 October 2005 :
Priority Date: NONE : **DECISION**
Atty. Docket No.: SC13528EK :
For: ELECTRONIC DEVICE AND :
METHOD FOR CONTROLLING :
CURRENT :

This is a decision on applicants' "PETITION UNDER 37 CFR § 1.47" filed in the U.S. Patent and Trademark Office (USPTO) on 15 August 2011, which is treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 21 October 2005, applicants filed international application No. PCT/EP2005/011345, which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the international filing date, i.e. 21 April 2008.

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 basic national fee.

On 14 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for its late filing were required. A two (2)-month period for reply was set.

On 15 August 2011, applicants filed the present petition which requests that the application be accepted without the signature of a joint inventor, Jenifer Scott. A declaration naming Scott as a joint inventor was also filed. The petition was accompanied by, *inter alia*,

evidence supporting the petition, a two (2) month extension of time fee, and the late oath or declaration filing surcharge.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (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. Applicants have satisfied items (1) and (3) above.

In this regard, section 409.03(d) of the Manual Of Patent Examining Procedure (MPEP), states, in part:

I. INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor “after diligent effort” is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

II. REFUSAL TO JOIN

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor’s attorney... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm’r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the application file reveals that item (2) cannot be said to have been satisfied. The petition is accompanied by a statement of facts by Pat Thomas, which states that she sent hard copies of the oath and declaration and assignment to the non-signing inventor by UPS, but that UPS informed Ms. Thomas that the non-signing inventor had moved and could not be located. Ms. Thomas further states that since UPS informed her that it was unable to locate the non-signing inventor, she (Ms. Thomas) gave permission to UPS to discard the shipment, and that she believes that further efforts to obtain the signature of the non-signing inventor would be futile. A copy of a UPS printout, showing that the package was not delivered, is included with the petition.

Petitioners must provide details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, if any inventor no longer lives at the last known address, petitioners may show diligent efforts by use of a national registry, telephone directory, Internet search, or other database to determine a current address for the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address.

While a copy of the envelope showing the letter sent to the non-signing inventor was returned as undeliverable, petitioners have not shown that any efforts were made to locate a more recent

address for the non-signing inventor. In light of the above, petitioners should provide evidence of efforts made to locate the non-signing inventor and forward a copy of the application to her for her review and signature of the declaration. If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

Furthermore, if a new address is located, petitioners must send a copy of the application as filed (specification, including the claims, drawings, if any, and the declaration) to the non-signing inventor at the last known address. Petitioners must provide proof that the application was sent or given by providing a statement of first hand knowledge by the person who sent the application papers to the non-signing inventor. If the inventor refuses in writing to sign the declaration, a copy of the written refusal must be supplied with any renewed petition. If the inventor refuses orally to sign the declaration, a declaration or statement of facts by a person having first-hand knowledge of the refusal must be provided.

In regards to item (4), non-initialed and/or non - dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). Specifically, alterations have been made in the signature block for joint inventor Michael Garrard. The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. Accordingly, a new oath or declaration must be submitted and must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See §§ MPEP 602.01 and 602.02.

Additionally, if a new address for the non-singing inventor is determined, petitioners must inform the Office of that address in any renewed petition.

CONCLUSION

For the reasons above the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

A proper response must include either (a) an acceptable declaration executed by all of the inventors, or (b) an acceptable showing that the missing joint inventor has refused to execute the application as discussed above.

The fee required by § 1.17(g) for a petition under 37 CFR 1.47(a) is \$200.00. The petition fee will be charged to counsel's deposit account as authorized in the subject petition.

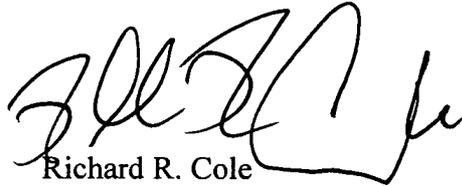
Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop Petitions, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of Petitions. A reply may also be filed via the EFS-Web system of the USPTO.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

571-272-3231
Fax: (571) 273-8300



Conferee:

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459



14 SEP 2010

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

30903
CRAIN, CATON & JAMES
Five Houston Center
1401 McKinney, 17th Floor
Houston, TX 77010

In re Application of :
SCEATS *et al* :
U.S. Application No.: 12/091,035 :
PCT No.: PCT/AU2006/001573 :
Int. Filing Date: 23 October 2006 :
Priority Date: 21 October 2005 :
Attorney Docket No.: 12459-1 :
For: A MATERIAL COMPOUND AND A :
METHOD OF FABRICATING THE :
SAME :

DECISION

This decision is in response to the renewed petition filed 22 July 2010.

BACKGROUND

On 22 March 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 22 July 2010, applicants filed a response which was accompanied by, *inter alia*, a two-month extension and fee, and a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In a response to the prior decision, applicants filed a declaration executed by Ms. Patricia RICHARDSON, as the legal representative of deceased co-inventor, Connor James HORLEY. The residence, mailing address and citizenship of Ms. RICHARDSON are recorded on the petition pursuant to 37 CFR 1.497(b)(2). The citizenship information for both inventors are also recorded on the declaration.

This declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 October 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 July 2010.

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



14 SEP 2010

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

30903
CRAIN, CATON & JAMES
Five Houston Center
1401 McKinney, 17th Floor
Houston, TX 77010

In re Application of :
SCEATS *et al* :
U.S. Application No.: 12/091,040 :
PCT No.: PCT/AU2006/001568 :
Int. Filing Date: 23 October 2006 :
Priority Date: 21 October 2005 :
Attorney Docket No.: 12459-2 :
For: SYSTEM AND METHOD FOR :
CALCINATION/CARBONATION CYCLE :
PROCESSING :

DECISION

This decision is in response to the papers filed 22 July 2010.

BACKGROUND

On 22 March 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 22 July 2010, applicants filed a response which was accompanied by, *inter alia*, a two-month extension and fee, and a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

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In a response to the prior decision, applicants filed a declaration executed by Ms. Patricia RICHARDSON, as the legal representative of deceased co-inventor, Connor James HORLEY. The residence, mailing address and citizenship of Ms. RICHARDSON are recorded on the petition pursuant to 37 CFR 1.497(b)(2). The citizenship information for both inventors are also recorded on the declaration.

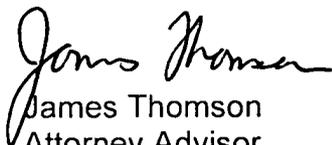
This declaration is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 October 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 July 2010.

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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Perkins Coie LLP
PO Box 1247
Seattle WA 98111-1247

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Patent No. 8,094,314 :
Tetz et al. : DECISION ON REQUEST FOR
Issue Date: January 10, 2012 : RECONSIDERATION OF
Application No. 12/091,051 : PATENT TERM ADJUSTMENT
Filed: April 21, 2008 :
Attorney Docket No.09062- :
8079.US01 :
Title: OPTICAL SENSING BASED ON :
SURFACE PLASMON RESONANCES IN :
NANOSTRUCTURES :

This is a decision on the petition filed on February 8, 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 five hundred forty-one (541) days.

The request for reconsideration of the patent term adjustment (PTA) pursuant to 37 CFR 1.705(d) is **DISMISSED**.

Patentees' dispute the period of time excluded from B delay for appellate review. Patentees' argument has been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 63 days, beginning on July 7, 2011 the date of filing of the notice of appeal and ending on September 7, 2011, the

subsequent date of the mailing of a notice of allowance. Thus, B delay is 201 (264 - 63) days.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

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

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

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



Charlema Grant
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-8-11

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 12091077 Patent No.: 7876179

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

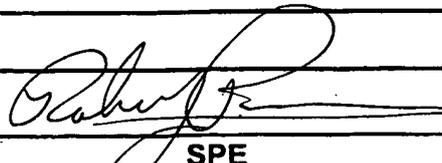
The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved**
 Approved in Part
 Denied

All changes apply.
Specify below which changes do not apply.
State the reasons for denial below.

Comments: _____



SPE

2817
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101110

DATE : November 10, 2010

TO SPE OF : ART UNIT 3655

SUBJECT : Request for Certificate of Correction on Patent No.: 7,798,938

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

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

The requested correction on the title page, item (54), has been reviewed and approved.

/DAVID D LE/
Supervisory Patent Examiner.Art Unit 3655
11/10/2010

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111109

DATE : November 09, 2011

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 7,997,224

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

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

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641



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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of	:
FREDERIC PAQUES	:
Application No. 12/091,216	: DECISION ON PETITION
Filed: April 23, 2008	: UNDER 37 CFR 1.78(a)(2)
Attorney Docket No. 15047/130US1	:

This is a decision on the petition under 37 CFR 1.78(a)(2), filed December 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed applications set forth in the amendment filed with the petition. The petition is proper for consideration under 37 CFR 1.78(a)(3).

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-0602. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1656 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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: 12/091,216, 04/23/2008, 1656, 3004, 15047/130US1, 42, 1

CONFIRMATION NO. 1798

CORRECTED FILING RECEIPT

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004



Date Mailed: 12/20/2011

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

Applicant(s)

Frederic Paques, Bourg-la-Reine, FRANCE;

Assignment For Published Patent Application

CELLECTIS, Cedex Romainville, FRANCE

Power of Attorney: The patent practitioners associated with Customer Number 26646

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB06/03883 10/03/2006
which is a CIP of PCT/IB2005/003564 10/25/2005

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

If Required, Foreign Filing License Granted: 06/11/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/091,216

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

I-CREI HOMING ENDONUCLEASE VARIANTS HAVING NOVEL CLEAVAGE SPECIFICITY AND USE THEROF

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Edwards Wildman Palmer LLP
P.O. Box 55874
Boston MA 02205

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of :
Hang-Cheol SHIN et al. : **ON PETITION**
Application No. 12/091,291 :
Filed: October 16, 2008 :
Atty. Docket No.: 83613(304841) :

This is a decision on the petition, filed October 12, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the abandonment in the above-identified application, or, in the alternative, a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

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

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed April 29, 2011, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed August 12, 2011.

Petitioner asserts that a proper reply was in fact timely filed. A copy of the previously submitted reply accompanies this petition.

A review of the record indicates that a proper reply was timely filed. Accordingly, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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 in accordance with this decision.

for 
Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Albemarle Netherlands B.V.
Patent and Trademark Department
451 Florida Street
Baton Rouge LA 70801

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application :
Eijsbouts, et al. :
Application No. 12/091,322 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: August 26, 2008 :
Application Received: April 24, 2008 :
Dkt. No.: C3-7504 US :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed October 7, 2011.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 463 days, not 402 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed July 15, 2011. Applicants assert that the correct period of adjustment pursuant to 37 CFR 1.702(a)(1) is 463 days and not 402 days as reflected in the Notice of Allowance. Applicants assert that the period of adjustment commenced October 27, 2009 and ended February 1, 2011.

The arguments presented have been carefully reviewed and found convincing. In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 463 days, as argued.

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

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

The Adjusted PAIR Calculation can be assessed via public and/or private PAIR.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Albemarle Netherlands B.V.
Patent and Trademark Department
451 Florida Street
Baton Rouge, LA 70801

MAILED
FEB 16 2012
OFFICE OF PETITIONS

In re Application of Eijsbouts-Spickova et al. :
Application No. 12/091,327 : Decision on Petition
371(c) Date: December 2, 2008 :
Attorney Docket No. C3-7505 US :

This is a decision on the petition filed January 26, 2012, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The request should include a cover letter titled "Renewed Petition under 37 CFR 1.181." This decision is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The Office mailed a final Office action on May 6, 2011. A reply to the Office action was filed July 1, 2011. An Advisory Action was mailed January 12, 2012. A Notice of Abandonment was mailed January 18, 2012.

The instant petition was filed January 26, 2012. The petition asserts the application is not abandoned.

The last date a reply could have been timely filed in response to the final Office action was Monday, November 7, 2011. In other words, the application became abandoned on November 8, 2011, unless a proper reply to the final Office action was filed on or before November 7, 2011. The only reply to the final Office action filed on or before November 7, 2011, is the reply filed July 1, 2012.

The petition asserts the reply filed on July 1, 2011, "was fully compliant with 37 CFR 1.113." 37 CFR 1.113 (a) states, "Reply to a final rejection or action must comply with § 1.114 or paragraph (c) of this section." The July 1, 2011 reply does not comply with 37 CFR 1.114 because the reply does not include a request for continued examination, and the reply does not

comply with 37 CFR 1.113(c) because the reply does not cancel, or appeal the rejection of, each rejected claim. Therefore, the Office is not persuaded the reply complied with 37 CFR 1.113.

The Office recognizes the examiner initialed the reply as "OK to enter" on January 12, 2012. However, the examiner has also asserted the July 1, 2011 reply "does NOT place the application in condition for allowance,"¹ and the examiner's inadvertent mistake when initialing the reply is not proof the reply was a proper reply to the Office action.

The petition asserts the Advisory Action was mailed after the statutory period for reply had expired. However, when determining if this application is abandoned, the only issue is whether a proper reply was timely filed in response to the May 6, 2011 Office action. The record fails to prove a proper reply was timely filed in response to the Office action. Therefore, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply to the May 6, 2011 Office action, the required petition fee (\$1,860 for a large entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: <http://www.uspto.gov/web/forms/sb0064.pdf>.

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

By Internet: A request for reconsideration may be filed electronically using EFS Web.²
Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ Advisory Action, p. 2.

² General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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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.

MAILED

AUG 22 2011

OFFICE OF PETITIONS

Albemarle Netherlands B.V.
Patent and Trademark Department
451 Florida Street
Baton Rouge LA 70801

In re Patent No. 7,964,528 : DECISION ON REQUEST
Eijsbouts-Spickova et al. : FOR
Issue Date: June 21, 2011 : RECONSIDERATION OF
Application No. 12/091,362 : PATENT TERM ADJUSTMENT
Filed: August 26, 2008 : and
Atty Docket No. C3-7535 US : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 10, 2011 pursuant to 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred and ninety-three (493) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by five hundred and nineteen (519) days is **GRANTED to the extent indicated herein.**

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

The record supports a conclusion that this patent is not subject to a terminal disclaimer.

First, Patentees dispute the period of reduction of 2 days entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b). This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted. Accordingly, the period of reduction of 2 days is being removed.

Second, a review of the record indicates that a second period of applicant delay was improperly calculated. 37 C.F.R. § 1.704(c)(10) indicates that the "[s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed" constitutes applicant delay, "in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of" either four months or "[t]he 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." A notice of allowance was mailed on February 14, 2011, both an amendment after allowance and a declaration were filed on May 16, 2011, and this patent issued 36 days later on June 21, 2011. As such, a reduction of 37 days was accorded, pursuant to 37 C.F.R. § 1.703(c)(10), as the date on which the supplemental response was filed is included in the period of delay. However, a review of Office records shows that ten days after the filing of the supplemental response, on May 26, 2011, a "Response to Rule 312 Communication" was mailed. It follows that an 11 day reduction, and not a 37 day reduction, is warranted. Accordingly, the 37 day reduction is being removed and an 11 day reduction is being entered in its place.

As such, the patent term adjustment is increased by 519 (476 days of examination delay plus 54 "B-delay" minus 11 days of Applicant delay) days, not 493 days.

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

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,¹ hand-delivery,² or facsimile.³ Registered

¹ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

² Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

³ (571) 273-8300: please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁴

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred and nineteen (519) days**.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

⁴ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,964,528 B2

DATED : June 21, 2011

DRAFT

INVENTOR(S) : Eijsboûts-Spickova 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 491 days

Delete the phrase "by 491 days" and insert – by 519 days--



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

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of :
Jose Ignacio Andres-Gil et al. :
Application No. 12/091,365 :
Filed: April 24, 2008 :
Attorney Docket No: **PRD 2579USPCT** :

ON PETITION

This is a decision on the petition filed December 13, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 29, 2011 for failure to timely reply to the non-Final Office Action mailed April 28, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed November 28, 2011.

This matter is being referred to Technology Center 1624 for appropriate action on the amendment filed April 28, 2011.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee, as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

- 8 SEP 2010



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Alexandria, VA 22313-1450
www.uspto.gov

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of :
ANDERSSON et al. :
Application No.: 12/091,399 : DECISION ON
PCT No.: PCT/SE2005/001632 :
Int. Filing Date: 01 November 2005 : PETITION UNDER
Priority Date: None :
Attorney Docket No.: P20751-US1 : 37 CFR 1.137(b)
For: MIMO BASED WIRELESS :
TELECOMMUNICATIONS METHOD AND SYSTEM :

This decision is in response to applicant's submission filed 26 July 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 November 2005, applicant filed international application PCT/SE2005/001632 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 May 2008.

On 24 April 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and an unexecuted declaration of inventors.

On 05 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for reply.

On 26 July 2010, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for

failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 05 June 2008 within the time period set therein.

On 26 July 2010, applicant filed the instant submission which included, *inter alia*, a declaration of the inventors and a petition under 37 CFR 1.137(b).

DISCUSSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 05 June 2008 was in error since a declaration of inventors had been filed with the Request in the international phase under PCT Rule 4.17(iv). A copy of this declaration was filed with the 26 July 2010 submission. A copy of this declaration is also available on the WIPO website. This declaration is sufficient. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 05 June 2008 is hereby VACATED.

CONCLUSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 05 June 2008 is VACATED for the reasons set forth above.

The petition under 37 CFR 1.137(b) is DISMISSED as MOOT for the reasons set forth above.

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

/Daniel Stemmer/

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



21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

MAILED

SEP 29 2011

In re Application of :
LOSORDO *et al* :
U.S. Application No.: 12/091,405 :
PCT No.: PCT/US2006/041545 :
Int. Filing Date: 24 October 2006 :
Priority Date: 24 October 2005 :
Attorney Docket No.: 64249(71417) :
For: USE OF TUMOR NECROSIS :
FACTOR-ALPHA RECEPTOR P75 :
FOR TREATMENT OF :
ISCHEMIA-INDUCED :
NEOVASCULARIZATION :

PCT LEGAL ADMINISTRATION

**DECISION ON SECOND
RENEWED PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on the second renewed petition under 37 CFR 1.497(d) filed 13 November 2009.

BACKGROUND

On 14 September 2009, a decision dismissing applicants' renewed petition under 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 13 November 2009, applicants filed the subject response which was accompanied by, *inter alia*, a consent of assignee statement, a statement under 37 CFR 3.73(b), and a copy of an assignment.

DISCUSSION

Applicants' request to add David A. GOUKASSIAN as an inventor in the subject application; however, applicants failed to satisfy item (3) of 37 CFR 1.497(d) with the prior petition.

In the renewed response, applicants provided a written consent of the assignee, Caritas St. Elizabeth Medical Center of Boston, Inc. The consent was signed by William Sullivan who attests that he is authorized to act on behalf of the assignee. The statement under 37 CFR 3.73(b) lists the reel and frame number where the assignment was recorded.

This is sufficient to meet the requirements of MPEP § 324 and item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add David A. GOUKASSIAN as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 20 July 2009 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). 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), (c)(2) and (c)(4) date of 20 July 2009.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
Faith Ulupinar et al. :
Application No. 12/091,447 : DECISION ON PETITION
Filed: October 6, 2008 :
Attorney Docket No. 070233 :

This is a decision on the Petition To Expunge Duplicate RCE and IDS, filed July 5 2011, which is being treated as a petition under 37 CFR 1.59(b), to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the duplicate request for RCE and IDS, filed on July 1, 2011, be expunged from the record.

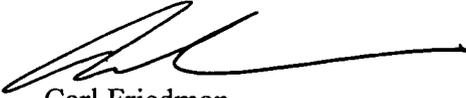
The petition is deficient because there is no statement that:

- (B) 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.

Petitioner is directed to MPEP 724.05(II) and (III).

Petitions filed under 37 CFR 1.59 require a fee set forth in § 1.17(g) which is currently \$200. This petition fee has been charged to petitioner's deposit account.

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

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/04/11

TO SPE OF : ART UNIT 2883

SUBJECT : Request for Certificate of Correction for Appl. No.: 12091525 Patent No.: 7855755

CofC mailroom date: 10/27/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

571-272-3421

Note: **Please check the Specifications, should these changes be made or not?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

_____/Mark Robinson/____

____2883____

SPE

Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

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SEP 13 2011

OFFICE OF PETITIONS

In re Application of :
Peter Bissinger, et. al. :
Application No. 12/091,552 :
Filed: April 25, 2008 :
Attorney Docket No. 61086US006 :

ON PETITION

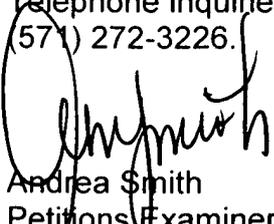
This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on December 13, 2010. A Notice of Abandonment was mailed July 12, 2011.

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

This application file is being referred to Technology Center Art Unit 1766 for review of the amendment filed with the present petition.

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


Andrea Smith
Petitions Examiner
Office of Petition



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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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Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct
Sugar Land TX 77479-5201

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Jinjun Sun :
Application No. 12/091,556 : **DECISION ON PETITION**
Filed: April 25, 2008 :
Attorney Docket No. SW-971488 (S-126) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 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 July 22, 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 August 23, 2010. A Notice of Abandonment was mailed on 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 an election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election 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 1735 for appropriate action by the Examiner in the normal course of business on the reply received May 3, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
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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BIB DATA SHEET
CONFIRMATION NO. 4330

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/091,644	10/27/2008	375	2611	F40.12-0078		
APPLICANTS Jean-Philippe Javaudin, Rennes, FRANCE; ** CONTINUING DATA ***** This application is a 371 of PCT/EP2006/067716 10/24/2006 YES ** FOREIGN APPLICATIONS ***** FRANCE 05/10964 10/26/2005 YES ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/14/2009						
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and /KANH C TRAN/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance KCT Initials	STATE OR COUNTRY FRANCE	SHEETS DRAWINGS 4	TOTAL CLAIMS 11	INDEPENDENT CLAIMS 7
ADDRESS WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402 UNITED STATES						
TITLE METHOD FOR TRANSMITTING A MULTICARRIER SIGNAL DESIGNED FOR LIMITING INTERFERENCE, SIGNAL, EMITTING DEVICE, RECEIVING METHOD AND DEVICE AND CORRESPONDING COMPUTER PROGRAMS						
FILING FEE RECEIVED 1900	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/091,646	11/10/2008	Katsuyuki Mitomo	50026/068001	4348
21559	7590	11/10/2011	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			MARVICH, MARIA	
			ART UNIT	PAPER NUMBER
			1633	
			NOTIFICATION DATE	DELIVERY MODE
			11/10/2011	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):

patentadministrator@clarkelbing.com



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NOV 10 2011

James D. DeCamp, Ph.D.
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
Mitomo :Decision on Petition
Serial No.: 12/091,646 :
Filed : 10 November 2008 :
Attorney Docket No.: 50026/68001 :

This letter is in response to the Petition filed 23 September 2011 under 37 C.F.R. 1.144 requesting reconsideration of restriction requirement set forth in the 27 July 2011 Office action.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to consideration under PCT unity of invention rules.

On 26 November 2010, the examiner prepared a non-final Office action in which claims 17-32 were withdrawn from consideration as being in improper form because a dependent claim cannot depend from another multiply dependent claims. Claim 16 was rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-16 were variously rejected under 35 U.S.C. 102(b).

On 26 May 2011, applicant filed an amendment which cancelled claims 2-15, and 18, and amended claims 16, 17, 19-29, and 31-32.

On 27 July 2011, the examiner prepared a final Office action in which claim 27 was withdrawn from consideration as being directed to a non-elected invention. Claims 1, 16, 17, 19-26 and 28-32 were examined on the merits.

On 23 September 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

The original claims were directed to product and one method of using the product.

The method claim, set forth below, was filed as an improper multiple dependent claim for depending upon multiple claims which themselves depend from multiple claims. For this reason, at time of examination, it would have been proper for the examiner to have objected to the improper dependent claims claim and withdrawn it from further consideration on the merits.

27. A method for introducing a gene into an airway epithelial stem cell, which comprises the step of contacting an airway epithelial cell with the lentiviral vector of any one of claims 1 to 26.

However, examination on the merits does not exclude the procedural requirement of restriction. When both product and process invention are claimed, as in this case, if the examiner did not wish to examine both product and process inventions together, a restriction requirement must be formulated to provide reasoning why restriction was being required and to give applicants the option of choosing an invention for examination. The requirement would also provide applicants with an opportunity for traversal and reconsideration. Here, the examiner failed to raise the issue of restriction prior to the first Office action on the merits for examination. In essence, the examiner elected to examine the product claims and withdraw the process claim from consideration. This is counter to MPEP 818, which states that "Applicant must make his or her own election; the examiner will not make the election for the applicant. 37 CFR 1.142, 37 CFR 1.143."

On 27 July 2011, the examiner withdrew claim 27 as being independent or distinct from the invention originally claimed. This is incorrect: claim 27 is not newly presented; it was pending in the original claim set.

The examiner then reasoned that the method claim was distinct from the product claims because "the methods of introducing a gene across a mucus layer can be performed by for example liposome mediated transfection." Amended claim 27 is set forth below. It does not encompass liposome mediated transfection- it requires the SIV vector of claim 1.

27. (Withdrawn - Currently Amended) A method for introducing a gene across a mucus layer and into an airway epithelial stem cell, which comprises the step of contacting the apical side of an airway epithelial stem cell with the SIV lentiviral vector of claim 1 in the absence of a pre-conditioning agent selected from the group consisting of calcium chelating agents, EGTA, and tight-junction disrupting surfactants ~~any one of claims 1 to 26.~~

Here, the examiner has interpreted the meaning of process claim 27 as though it did not dependent from nor require all the limitations of product Claim 1. This rationale is counter to MPEP 806.01, which states:

“In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.”

For this reason, the examiner has failed to establish that the process of using *as claimed* can be practiced with another materially different product.

Next, the examiner reasoned that searching the two inventions together would impose a serious search burden. This is inconsistent with the prior art rejections set forth in the same Office actions, which speak to the method of introducing genes into an airway epithelial cell. For example, the examiner cites the Yonemitsu reference as teaching “the vector is used to carry foreign genes such as GFP or CFTR or for treatment of cystic fibrosis into airway epithelial cells.”

Finally, the rationale for removing claim 27 from examination was mis-placed because it applied the independent, distinct and burden tests of Chapter 800. This application is a national stage filing in compliance with 35 U.S.C. 371 and for this reason, had the examiner wished to require applicant to elect the product or process invention, the analysis should have been made according to the PCT unity of invention rules. That was not done.

DECISION

The petition filed under 37 CFR 1.144 on 23 September 2011 is **GRANTED**.

Process claim 27 will be examined with product claims.

The Office action mailed 27 July 2011 will be withdrawn as incomplete.

The application will be returned to the examiner for preparation of a supplemental Office action consistent with this decision.

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



Jackie Stone
Director, Technology Center 1600



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ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE 10TH FLOOR
NEW YORK NY 10017

MAILED

FEB 09 2012

In re Application of :
Andrey Fedorovich Panasyuk :
Application No. 12/091,741 :
Filed: April 25, 2008 :
Attorney Docket No. 209,109 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 23, 2012.

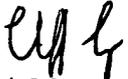
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed April 11, 2011. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on May 12, 2011. The Office mailed a Notice of Abandonment on December 8, 2011.

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

The application is being forwarded to Group Art Unit 1657 for consideration of the Amendment, filed January 23, 2012.

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


Cliff Congo
Petitions Attorney
Office of Petitions



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SW Patent Office
C/O PAT. OFFICE, BANGSHIA
102 Lindencrest
Sugar Land TX 77479

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of :
Wu :
Application No. 12/091,748 : DECISION ON PETITION
Filed: April 27, 2008 : PURSUANT TO
Attorney Docket No. SW- : 37 C.F.R. § 1.137(B)
971503 (S-129) :
Title: OPTICAL FILM LENS :
PRODUCT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 18, 2012, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed July 7, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 8, 2011. A notice of abandonment was mailed on February 3, 2012.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

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

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on March 18, 2012 can be processed in due course.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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Miller, Canfield, Paddock and Stone, P.L.C.
c/o Robert Kelley Roth
150 West Jefferson Avenue
Suite 2500
Detroit, MI 48226

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Alan R. Pfaff, Jr.	:	
Application No. 12/091,822	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. 123869-00005	:	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 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. 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 Richard Gaffin 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 Alan R. Pfaff, Jr. at the address indicated below.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Eagle Rotary Systems, Inc.**
Alan R. Pfaff, Jr.
1710 East High Street
Jackson, MI 49203



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/091,822	04/28/2008	Alan R. Pfaff JR.	123869-00005

CONFIRMATION NO. 5891

POWER OF ATTORNEY NOTICE



Date Mailed: 01/14/2011

Robert K. Roth
Miller, Canfield, Paddock and Stone, P.L.C.
150 W. Jefferson, Suite 2500
Detroit, MI 48226

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/16/2010.

- 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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SHOOK, HARDY & BACON LLP
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD
KANSAS CITY, MO 64108-2613

MAILED

MAR 29 2011

OFFICE OF PETITIONS

Applicant: Tie, et al.
Appl. No.: 12/091,825
International Filing Date: January 23, 2010
Title: CONSTANT STRAIN SPRING COMPENSATION
Attorney Docket No.: LNLN.145883
Pub. No.: US 2010/0206678 A1
Pub. Date: August 19, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the citizenship of the third inventor is incorrect.

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

The error on the front page of the publication wherein the name of the citizenship of the third inventor, Rongkang Tie, was incorrectly printed as Japan (JP) instead of China (CN) may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor’s citizenship does not affect the understanding of the application. The mistake does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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).

On May 12, 2010, a Filing Receipt was mailed by the Office, which improperly listed the citizenship of the third inventor. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

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

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

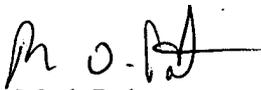
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



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



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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 1, 2012

In re Application of :

Moise Azria

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12091978

Filed : 29-Apr-2008

Attorney Docket No : 34626-US-PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 1, 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 1654 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	12091978
Filing Date	29-Apr-2008
First Named Inventor	Moise Azria
Art Unit	1654
Examiner Name	MARCELA CORDERO GARCIA
Attorney Docket Number	34626-US-PCT
Title	USE OF CALCITONIN FOR THE TREATMENT OF RA

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	/David Kurlandsky/
Name	David R. Kurlandsky
Registration Number	41505



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52203
CONTINENTAL TEVES, INC.
One Continental Drive
Auburn Hills, MI 48326-1581

MAILED
JUN 15 2011

PCT LEGAL ADMINISTRATION

In re Application of
FEY *et al*
U.S. Application No.: 12/092,105
PCT No.: PCT/EP2006/067931
Int. Filing Date: 30 October 2006
Priority Date: 31 October 2005
Docket No.: AP11296
For: ELECTRONIC CIRCUIT
ARRANGEMENT WITH ONE OR
MORE SEMICONDUCTOR MAIN
RELAYS AND USE THEREOF

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 27 April 2011 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a)-(b) was provided. The petition fee and surcharge fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.


James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAILED
SEP 09 2011
OFFICE OF PETITIONS

Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
Bellizzi, et al. :
Application No. 12/092,110 : ON PETITION
Filed: January 8, 2009 :
Attorney Docket No. 21108.0068U2 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 2, 2011, 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 March 1, 2011, 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 April 2, 2011.

The election filed September 2, 2011, is noted.

The request for the extension of time within the third month filed September 2, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the Office action. The amount of \$1,175.00 will be refunded, in due course.

The application is being forwarded to Technology Center 1600, GAU 1627 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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

SENNIGER POWERS LLP
100 NORTH BROADWAY
117TH FLOOR
ST LOUIS, MO 63102

MAILED

OCT 15 2010

OFFICE OF PETITIONS

Applicant: Minter, et al.

Appl. No.: 12/092,118

International Filing Date: November 2, 2006

Title: Direct Electron Transfer Using Enzymes in Bioanodes, Biocathodes, and Biofuel Cells

Pub. No.: US 2009/0305113 A1

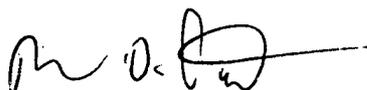
Pub. Date: December 10, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 5, 2010, for the above-identified application.

The request is granted.

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

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


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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,126	04/30/2008	Roelf Anco Groenhuis	00 2882 US2	8761
65913	7590	06/06/2011	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			CAMPBELL, SHAUN M	
			ART UNIT	PAPER NUMBER
			2829	
			NOTIFICATION DATE	DELIVERY MODE
			06/06/2011	ELECTRONIC

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

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

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

ip.department.us@nxp.com



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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

JUN 6 2011

In re Application of:
Roelf Anco Groenhuis et al.
Application No. 12/092,126
Filed: April 30, 2008
For: METHODS OF PACKAGING A
SEMICONDUCTOR DIE AND PACKAGE
FORMED BY THE METHODS

DECISION ON PETITION
UNDER 37 CFR § 1.181(a) TO
WITHDRAW FINALITY OF
OFFICE ACTION

This is a decision in response to the petition filed on January 26, 2011, requesting review and withdrawal of the finality of the Office action mailed on November 26, 2010.

The petition is **DENIED**.

Petitioner asserts that the Final Office action of November 26, 2010 contains new grounds of rejection not necessitated by an amendment.

On June 18, 2010, the Examiner mailed a Non-Final Office action wherein claims 6, 7, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz (U.S. Patent No. 5,057,461) in view of De Samber et al. (U.S. Pub No. 2005/0117271 A1). Applicant filed a Response on September 17, 2010, traversing the motivation for the proposed modification to the Fritz reference. After the Response, the Examiner issued a Final Office action on November 26, 2010. Petitioner argues that the Finality of the Office action is improper because it presents a new rationale as to why one of ordinary skill in the art would combine the teachings of Fritz and De Samber et al.

MPEP 706.07(a) states that a second or subsequent action on the merits shall be made final, except where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment of the claims.

A review of the application reveals the original rejection over Fritz and De Samber et al. was maintained in the Final Office Action. The Examiner has supplemented his rationale in the Office Action; however, there is no new evidence used to reject the

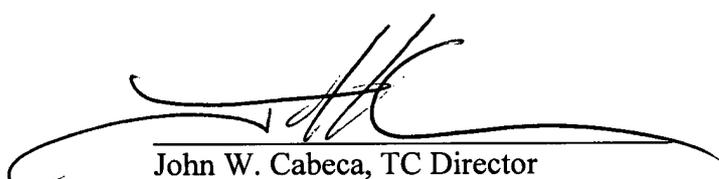
original claims 6, 7, 16 and 17. As stated in MPEP 1207.03 III, there is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection.

The request for providing supporting evidence of equivalency between the lift-off process and the etching process is inappropriate. The issue of whether the two processes of removing a sacrificial layer are equivalent is a merits issue under 35 USC 103 and is reviewable on appeal and is not petitionable.

For the above reasons, the finality of the Office Action dated November 26, 2010, is found to be proper. Applicant is reminded that the shortened statutory period continues to run from November 26, 2010.

The application is being forwarded to the Examiner to respond to the Amendment-After-Final received on January 26, 2011.

Any inquiries regarding this decision should be directed to Supervisory Patent Examiner Steven Loke at 571 272 1657.



John W. Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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OFFICE OF PETITIONS

**NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131**

In re Application of :
Roelf Anco Groenhuis et al. :
Application No. 12/092,126 : **DECISION ON PETITION**
Filed: April 30, 2008 :
Attorney Docket No. 00 2882 US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed November 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, with the required fee of \$540, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly the Notice of Appeal is accepted as being unintentionally delayed.

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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,730 extension of time fee submitted with the petition on June 16, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This application is being referred to the Board of Patent Appeals and Interferences for appropriate action in the normal course of business for processing of the reply received June 17, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

**RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482**

In re Application of :
Takahiko ORIGUCHI et al. : ON PETITION
Application No. 12/092,188 :
Filed: April 30, 2008 :
Atty. Docket No.: MAT-10143US :

This is a decision on the petition, filed October 17, 2011, which is a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the nonfinal Office action mailed March 4, 2011, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed October 7, 2011.

Petition asserts that the nonfinal Office rejection was not received.

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

- (1) a statement from the practitioner describing the system used for recording for 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 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, 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. 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 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. See MPEP § 711.03(c)(I)(A).

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

As the instant petition satisfies the indicated requirements, the holding of abandonment is withdrawn and the application is restored to pending status.

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

The application file will be referred to the Technology Center Art Unit 2629 for further processing.


for Anthony Knight
Director
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,218	04/30/2008	Shigehiro Matsuno	Q107677	9545
23373	7590	12/09/2010	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MAINES, PATRICK DAVID	
			ART UNIT	PAPER NUMBER
			4165	
			NOTIFICATION DATE	DELIVERY MODE
			12/09/2010	ELECTRONIC

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

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

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

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



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

In re Application of	:	
MATSUNO, SHIGEHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/092,218	:	PARTICIPATE IN PATENT
Filed: April 30, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q107677	:	PROGRAM AND PETITION
For: EXHAUST GAS PURIFICATION	:	37 CFR 1.102(a)
APPARATUS OF INTERNAL		
COMBUSTION 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(d), filed November 16, 2010, to make the above-identified application special.

The request and petition are Dismissed.

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.

The request to participate in the PPH program and petition met all conditions except Item #5 above.

The JPO Office action and search report of March 8, 2010 do not show any positive search opinion regarding the patentability of claims 1-8. An Office action and/or search opinion showing the patentability of claims 1-8 are required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,218	04/30/2008	Shigehiro Matsuno	Q107677	9545
23373	7590	01/26/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			TRAN, DIEM T	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			01/26/2011	ELECTRONIC

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

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

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

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



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

In re Application of	:	
MATSUNO, SHIGEHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/092,218	:	PARTICIPATE IN PATENT
Filed: April 30, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q107677	:	PROGRAM AND PETITION
For: EXHAUST GAS PURIFICATION	:	37 CFR 1.102(a)
APPARATUS OF INTERNAL	:	
COMBUSTION ENGINE	:	

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 4, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 60/277 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

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



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Paper No.

High Point
Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point NC 27265

MAILED

SEP 07 2011

OFFICE OF PETITIONS

In re Application of :
Kilburn et al. :
Application No. 12/092,223 : ON APPLICATION FOR
Filed: October 23, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 7227.204-US :

This is in response to the "Petition Regarding Patent Term Adjustment" filed August 30, 2011. Applicant requests reconsideration of the initial determination of patent term adjustment solely on the basis that the Office will take in excess of three years to issue the patent.

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

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

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

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

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

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

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

Application No. 12/092,223

Page 3

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

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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PCT LEGAL ADMINISTRATION

Byrne Poh LLP
11 Broadway, Ste 865
New York NY 10004

In re Application of: STOLFO, et al.	:	
U.S. Application No.: 12/092,224	:	DECISION ON REQUEST UNDER
PCT No.: PCT/US2006/042713	:	37 CFR 1.497(d)
International Filing Date: 31 October 2006	:	
Priority Date: 31 October 2005	:	
Attorney's Docket No.: 0019240.00532US3	:	
For: METHODS, MEDIA, AND SYSTEMS	:	
FOR SECURING COMMUNICATIONS	:	
BETWEEN A FIRST NODE AND A	:	
SECOND NODE	:	

This decision is issued in response to the "Request To Correct Inventorship Under 37 CFR §1.48(a)" filed on 13 October 2009, treated herein under 37 CFR 1.497(d).¹ Applicant has paid the required \$130 processing fee.

BACKGROUND

On 31 October 2006, applicants filed international application PCT/US2006/042713. The application claimed a priority date of 31 October 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., 30 April 2008. The published international application identified four applicant/inventors for the United States: Salvatore J. STOLFO, Gabriela CRETU, Vanessa FRIAS-MARTINEZ, and Janak PAREKH.

On 30 April 2008, applicant filed materials requesting entry into the national stage in the United States including, among other materials, payment of the small entity basic national fee.

On 18 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed 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.

On 03 December 2008, applicants filed a response to the Notification of Missing Requirements (with required extension fee). The response included payment of the required surcharge, an executed declaration document, and a "Petition To Change Inventor Name Under

¹ The present submission refers to 37 CFR 1.48(a); however, where, as here, applicant is seeking to change the inventorship in an application entering the U.S. national stage under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

37 CFR 1.182” requesting that the name of record of the second inventor be changed from Gabriela CRETU to Gabriela F. CIOCARLIE. The declaration document was executed by the four applicant/inventors of record as well as a fifth person, Angelos D. KEROMYTIS.

On 10 February 2009, a decision was issued granting the petition under 37 CFR 1.182 to change the name of record for the second inventor to Gabriela F. CIOCARLIE.

On 13 October 2009, applicants filed a revised declaration document accompanied by the Request To Correct Inventorship Under 37 CFR §1.48(a)” considered herein under 37 CFR 1.497(d). The submission requests that Joseph SHERRICK be added as an additional inventor of record herein (no mention is made of Angelos D. KEROMYTIS). The revised declaration document is executed by the four applicant/inventors of record as well as by Angelos D. KEROMYTIS and Joseph SHERRICK.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, the revised declaration document filed by applicants on 13 October 2009 names an inventive entity different than that set forth in the international application. Specifically, Angelos D. KEROMYTIS and Joseph SHERRICK have been included as additional inventors.² Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

With respect to requirement (A), applicants have submitted the required statement of non-deceptive intent from Joseph SHERRICK; however, applicants have not provided the required statement of non-deceptive intent from the other person added to the declaration, Angelos D. KEROMYTIS. Until applicants provide the required statement from Angelos D. KEROMYTIS, requirement (A) of a grantable request is not satisfied.

² It is noted that the name of the second inventor as listed on the declaration (Gabriela F. CIOCARLIE) also differs from this inventor’s name as listed on the international application (Gabriela CRETU), but this discrepancy was previously addressed via applicants’ granted petition under 37 CFR 1.182.

With respect to requirement (B), applicants have paid the required \$130 processing fee. Requirement (B) is therefore satisfied.

With respect to requirement (C), applicants have submitted a document entitled "Consent Of Assignee To Correct Inventorship In A Patent Application Under 37 CFR §1.48(a)" and the required statement under 37 CFR 3.73(b) executed on behalf of the assignee. However, the purported statement of consent does not include a statement by the assignee expressly consenting to the addition of Angelos D. KEROMYTIS and Joseph SHERRICK as additional inventors. Applicants must provide a revised statement executed by an authorized representative of the assignee that expressly consents to the addition of these two inventors. Until such a statement is provided, requirement (C) of a grantable request under 37 CFR 1.497(d) is not satisfied.

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, on the present record, Angelos D. KEROMYTIS and Joseph SHERRICK may not be added as additional inventors herein.

It is also noted that the declaration document filed on 13 October 2009 is defective because the six-page document appears to be an unacceptable compilation of multiple copies of separately executed, three-page declarations. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident because the document filed by applicants consists of two different copies of the first page, three different copies of "Page 2 of 3," and one copy of "Page 3 of 3." Applicants must provide complete copies of the separate declarations executed by each of the inventors before such declarations may be accepted under 37 CFR 1.497.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application (as corrected pursuant to applicants' previously granted petition under 37 CFR 1.182), that is, Salvatore J. STOLFO, Gabriela CIOCARLIE, Vanessa FRIAS-MARTINEZ, and Janak PAREKH.

The declaration document filed 13 October 2009, which includes two additional inventors, is defective on the present record for failure to properly identify the inventors of record herein. As noted above, the declaration document is also defective because it appears to be an unacceptable compilation of multiple documents.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy requirements (A) and (C) of a

grantable request, as discussed above and in the MPEP, as well as copies of the complete declaration executed by each of the inventors.

Failure to file a proper and timely response will result in abandonment of the application. Extensions of time under the provision of 37 CFR 1.136(a) are available.

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

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 19 2011

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

Byrne Poh LLP
11 Broadway, Ste 865
New York NY 10004

PCT LEGAL ADMINISTRATION

In re Application of: STOLFO, et al.	:	
U.S. Application No.: 12/092,224	:	DECISION ON RENEWED
PCT No.: PCT/US2006/042713	:	REQUEST UNDER
International Filing Date: 31 October 2006	:	37 CFR 1.497(d)
Priority Date: 31 October 2005	:	
Attorney's Docket No.: 0019240.00532US3	:	
For: METHODS, MEDIA, AND SYSTEMS	:	
FOR SECURING COMMUNICATIONS	:	
BETWEEN A FIRST NODE AND A	:	
SECOND NODE	:	

This decision is issued in response to the "Renewed Request Under 37 C.F.R. § 1.497(d)" filed on 07 April 2011. Applicant has previously paid the required \$130 processing fee.

BACKGROUND

On 31 October 2006, applicants filed international application PCT/US2006/042713. The application claimed a priority date of 31 October 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., 30 April 2008. The published international application identified four applicant/inventors for the United States: Salvatore J. STOLFO, Gabriela CRETU, Vanessa FRIAS-MARTINEZ, and Janak PAREKH.

On 30 April 2008, applicant filed materials requesting entry into the national stage in the United States including, among other materials, payment of the small entity basic national fee.

On 18 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed 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.

On 03 December 2008, applicants filed a response to the Notification of Missing Requirements (with required extension fee). The response included payment of the required surcharge, an executed declaration document, and a "Petition To Change Inventor Name Under 37 CFR 1.182" requesting that the name of record of the second inventor be changed from Gabriela CRETU to Gabriela F. CIOCARLIE. The declaration document was executed by the four applicant/inventors of record as well as a fifth person, Angelos D. KEROMYTIS.

On 10 February 2009, a decision was issued granting the petition under 37 CFR 1.182 to change the name of record for the second inventor to Gabriela F. CIOCARLIE.

On 13 October 2009, applicants filed a revised declaration document accompanied by a "Request To Correct Inventorship Under 37 CFR §1.48(a)" requesting that Joseph SHERRICK be added as an additional inventor of record herein (no mention was made of Angelos D. KEROMYTIS). The revised declaration document was executed by the four applicant/inventors of record as well as by Angelos D. KEROMYTIS and Joseph SHERRICK.

On 02 December 2010, a decision was issued dismissing without prejudice applicants' request to correct inventorship. The decision stated that applicants had failed to satisfy all the requirements of a grantable request under 37 CFR 1.497(d). Specifically, applicants had failed to provide a statement of non-deceptive intent from one of the inventors to be added (Angelos D. KEROMYTIS) and a statement of the consent of the assignee to the requested change in inventorship. The decision also indicated that copies of the complete declarations executed by each of the inventors were required.

On 04 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' purported failure to file a response to the Notification Of Missing Requirements mailed 18 August 2008.

On 07 April 2011, applicants filed the "Renewed Request Under 37 C.F.R. § 1.497(d)" considered herein (with required three-month extension fee).

DISCUSSION

1. Notification Of Abandonment

As indicated above, on 03 December 2008, applicants filed a timely response to the Notification Of Missing Requirements mailed 18 August 2008 (with required extension fee). In addition, applicants' present submission (with required extension fee) is considered a timely response to the decision mailed on 02 December 2010.

In view of the above, the Notification Of Abandonment mailed on 04 April 2011, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements mailed 18 August 2008, was issued in error and is appropriately vacated.

2. Renewed Request Under 37 CFR 1.497(d)

The renewed request under 37 CFR 1.497(d) filed on 07 April 2011 was accompanied by the required statements of non-deceptive intent from both inventors to be added to the application, including Angelos D. KEROMYTIS. The renewed request also included a revised statement executed on behalf of the assignee in which the assignee specifically consents to the requested change in inventorship. Finally, the submission included copies of the complete,

separate declarations executed by each of the inventors (including the two inventors added to the application), resolving the compilation issue discussed in the previous decision.

In view of the above, applicants have now satisfied the final outstanding requirements for a grantable request under 37 CFR 1.497(d) to add Joseph SHERRICK and Angelos D. KEROMYTIS as additional inventors of record herein.

CONCLUSION

For the reasons set forth above, the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed on 04 April 2011 is hereby **VACATED**.

The renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add add Joseph SHERRICK and Angelos D. KEROMYTIS as additional inventors of record.

In view of this correction, the complete declarations filed on 07 April 2011 (which included the added inventors), may be accepted under 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 April 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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: 66706-0007	Application Number (if known): 12/092,334	Filing date: August 2, 2010
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First Named Inventor: **Achim Kopmeier**

Title: **Method and Device for Thickening Sludge Carried Along in Waste Water**

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: Second Preliminary Amendment

Signature /Bill C. Panagos/

Date **August 2, 2010**

Name (Print/Typed) **Bill C. Panagos**

Registration Number **31,050**

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

*Total of _____ forms are submitted.

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

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

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

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

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,334	11/21/2008	Achim Kopmcier	66706-0007	1120

10291 7590 08/17/2010
RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

HRUSKOCI, PETER A

ART UNIT PAPER NUMBER

1797

MAIL DATE DELIVERY MODE

08/17/2010

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.



RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

In re Application of :

Achim Kopmeier :

Application No. 12/092,334 :

Filed: May 01, 2008 :

Attorney Docket No. 66706-0007 :

AUG 17 2010

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

As set forth at numeral 8 above, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the \$300 publication fee in accordance with this notice.

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 Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P77300PC00	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2006/010498	International filing date (<i>day/month/year</i>) 01 November 2006 (01.11.2006)	Priority date (<i>day/month/year</i>) 02 November 2005 (02.11.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MCFEETERS, Kenneth			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

<p align="center">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 06 May 2008 (06.05.2008)</p>
	<p>Authorized officer</p> <p align="center">Agnes Wittmann-Regis</p> <p>e-mail: pt06.pct@wipo.int</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2006/010498	International filing date (day/month/year) 01.11.2006	Priority date (day/month/year) 02.11.2005	
International Patent Classification (IPC) or both national classification and IPC INV. H04N1/32			
Applicant MCFEETERS, Kenneth			

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 usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p>  <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Date of completion of this opinion</p> <p>see form PCT/ISA/210</p>	<p>Authorized Officer</p> <p>AGANTE DA SILVA, P</p> <p>Telephone No. +49 89 2399-7783</p> 
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2006/010498

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. 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 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/EP2006/010498

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4,7,14,18
	No: Claims	1,3,5,6,8-13,15-17,19
Inventive step (IS)	Yes: Claims	2
	No: Claims	1,3-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: FR-A-2 799 080 (VERHILLE CHRISTIAN ALBERT MAUR [FR]) 30 March 2001
(2001-03-30)

D2: US 2002/018546 A1 (HORNE GREGORY L [US]) 14 February 2002 (2002-02-14)

D3: DE 202 13 466 U1 (KUNTZE JAN W [DE]) 6 March 2003 (2003-03-06)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1 and 19** is not new in the sense of Article 33(2) PCT.

The document D1 discloses, according to the features of **claim 1** (the references in parentheses applying to this document): an apparatus for selectively allowing calls to a device that may receive calls on a signal line (see abstract), the apparatus including means for detecting an incoming call on the signal line (see page 3, lines 12 to 19); and means for allowing the incoming call to reach the device if received during an enabled time period (see page 6, lines 1 to 8) and preventing the incoming call from reaching the device if received outside the enabled time period (see page 6, lines 8 to 15).

The document D1 discloses, according to the features of independent **claim 19** (the references in parentheses applying to this document): a method for selectively allowing calls to a device that may receive calls on a signal line (see abstract), the method including detecting an incoming call on the signal line (see page 3, lines 12 to 19); allowing the incoming call to reach the device if received during an enabled time period (see page 6, lines 1 to 8); and preventing the incoming call from reaching the device if received outside the enabled time period (see page 6, lines 8 to 15).

The same lack of novelty objection is raised when taking into consideration prior art documents D2 and D3 (see the relevant passages in the International search Report), which renders claims 1 and 19 as not fulfilling the requirements of Art. 33(1) PCT.

2. The additional features of dependent **claims 3, 5, 6, 8 to 13 and 15 to 17** are already

disclosed in document D and, consequently, dependent claims 3, 5, 6, 8, 9 to 13, 16 and 17 do not fulfil the novelty requirements of Art. 33(1) and Art. 33(2) PCT.

Claim 3: see page 6, lines 33 to 36.

Claim 5: see page 6, lines 33 to 36 and switching contact 21.1 in Figure 4.

Claim 6, 8 and 9: see page 20, lines 20 to 26.

Claim 10: see page 3, lines 12 to page 4, lines 3 and page 5, lines 27 to 36, in particular reference 9 in Figure 3, 4 and 5.

Claim 11: see page 5, lines 1 to 9.

Claim 12: see from page 5, line 30 until page 6, line 15, in particular reference 15 corresponding to means for deciding whether to authorise or reject the incoming call.

Claim 13: see page 5, lines 27 to 29.

Claim 15: see page 6, lines 8 to 15.

Claim 16: see page 6, lines 27 to 36 and Figure 4.

Claim 17: see page 3, lines 1 to 5 and Figure 1.

3. Dependent **claims 4, 7, 14 and 18** do not appear to contain any additional features which, in combination with the features on any claim to which they refer, involve an inventive step for the reason that the additional features of said claims represents minor design details and considered to be fully within the normal capabilities of a skilled person.

Regarding claim 4, from document D1 it would be obvious for the skilled person to configure the apparatus such that, when a call is accepted within the allowed time for receiving calls and then a period of preventing calls starts, the switching means 21 or 21.1 of Figures 3 and 4 of D1 are instructed to disconnect the line after the accepted call finishes.

Regarding claim 7, on page 6, 20 to 26 and Figure 3, it can be seen the answering machine 27 is connected when the calls arrive outside the authorized time period. The skilled person would regard as an obvious feature that when the answering machine is activated it would be an indication to the caller that the signal line is engaged. The additional feature of claim 7 is thus regarded as not involving an inventive step.

Concerning claim 14 and 18, the incorporation of an opto-isolator and a signal carrier forming part of the signal line, are well known features in the telecommunications field and its use in the apparatus of D1 would be regarded by the skilled person as a trivial design possibility.

4. Dependent **claim 2**, appears to contain subject-matter which fulfils the requirement of Article 33(1) PCT.

By referring that the apparatus is arranged to prevent a first incoming call, detected outside the enabled period, from reaching the device and subsequently to initiate the enabled time period, the claim attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

The features allowing for this result are the following:

- 1) the switching device arranged to make said signal line during said enabled time period and to break said signal line outside of said enabled time period" (additional feature of dependent claim 3);
- 2) detection unit for detecting a first incoming call;
- 3) the means for allowing or preventing calls includes a control unit which includes a timer for creating the enabled time period (additional feature of dependent claim 12 and description page 5, lines 23 and 24);
- 4) the control unit is adapted to prevent the incoming call, detected outside said enabled period, from reaching said device and subsequently to initiate said enabled time period.

Since claim 2 does not contain all these features it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2006/010498

Taking these features into consideration, this combination of the features of is neither known from, nor rendered obvious by, the available prior art.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/092,347	Filing date:	May 1, 2008
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First Named Inventor:	KENNETH MCFEETERS
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Title of the Invention:	CALL INTERCEPTOR
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/EP2006/010498

The international filing date of the corresponding PCT application(s) is/are: November 1, 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
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.:	12/092,347
First Named Inventor:	KENNETH MCFEETERS

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

Is attached

Has already been filed in the above-identified U.S. application on

January 8, 2009

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

Are attached.

Have already been filed in the above-identified U.S. application on

January 8, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended to include the limitations of claim 2
2	2	Canceled
3	3	Amended to remove multiple dependencies
4	4	Amended to remove multiple dependencies
5	5	Amended to remove multiple dependencies
6	6	Amended to remove multiple dependencies
7	7	Amended to remove multiple dependencies
8	8	Amended to remove multiple dependencies
9	9	Amended to remove multiple dependencies
10	10	Amended to remove multiple dependencies
11	11	Amended to remove multiple dependencies
12	12	Amended to remove multiple dependencies
13	13	Amended to remove multiple dependencies
14	14	Amended to remove multiple dependencies
15	15	Amended to remove multiple dependencies
16	16	Amended to remove multiple dependencies
17	17	Amended to remove multiple dependencies
18	18	Amended to remove multiple dependencies
19	19	Amended to remove multiple dependencies

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

Signature /John E. Nemazi/	Date May 5, 2011
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

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

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

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



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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.
12/092,347	05/01/2008	Kenneth McFeeters	SANX0101PUSA	1244
22045	7590	05/26/2011	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			SHAH, ANTIM G	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			05/26/2011	PAPER

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

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



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

In re Application of	:	
MCFEETERS, KENNETH	:	DECISION ON REQUEST TO
Application No. 12/092,347	:	PARTICIPATE IN PATENT
Filed: May 1, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. SANX0101PUSA	:	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 (PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 5, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun;
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 5 above.

Regarding item 5, while applicant has indicated claim 19 of this instant application to be sufficiently correspond to claim 19 which was indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application, there is no indication of claim 19 in the PCT/EP2006/010498 having novelty, inventive step and industrial applicability. Note that claim 19 was indicated not to have both novelty and inventive step in corresponding PCT application (see IPER filed 5/5/11).

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,347	05/01/2008	Kenneth McFeeters	SANX0101PUSA	1244
22045	7590	06/10/2011	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			SHAH, ANTIM G	
			ART UNIT	PAPER NUMBER
			2614	
			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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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of :
MCFEETERS, KENNETH :
Application No. 12/092,347 :
Filed: May 1, 2008 :
Attorney Docket No. SANX0101PUSA :
: 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 renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 9, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

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 Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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

MAILED
NOV 09 2011
OFFICE OF PETITIONS

In re Application of :
Wolfgang Pahl :
Application No.: 12/092,423 : **ON PETITION**
Filed: May 2, 2008 :
Attorney Docket No.: 14219-202US1 :
P2005,0925US :

This is a decision on the petition, filed November 8, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 13, 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 2829 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Michael Priel, et al. :
Application No. 12/092,463 : DECISION ON PETITION
Filed: May 2, 2008 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 Corrected Application Papers mailed June 7, 2010. 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 August 8, 2010. The Notice of Abandonment was mailed August 26, 2010.

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

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

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 Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **OREN RECHES**
211 NORTH UNION STREET
SUITE 100
ALEXANDRIA, VA 22314



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FOX ROTHSCHILD LLP
997 Lenox Drive
Building 3
Lawrenceville NJ 08648

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Patent No. 7,854,455 :
Issue Date: December 21, 2010 :
Application No. 12/092,470 : **DECISION ON PETITION**
Filed: May 2, 2008 :
Attorney Docket No. 74629.00002 :

This is a decision on the Transmittal Letter Request For Certificate Of Correction Under 37 CFR §1.323, filed January 5, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to accept the omission of assignee's name and residence. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the omission of assignee's name and residence on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name and residence to the Title Page of the Letters Patent.

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

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

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) that was submitted with Petition.

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

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,854,455.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: FOX ROTHSCHILD LLP
Mail PO Box 5231
Princeton, NJ 08543-5231



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OFFICE OF PETITIONS

DIEHL SERVILLA LLC (COG/CGG)
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

In re Patent of Gillon et al. : DECISION ON REQUEST
Patent No. 8,101,574 : FOR
Issue Date: January 24, 2012 : RECONSIDERATION OF
Application No. 12/092,476 : PATENT TERM ADJUSTMENT
371(c)date: May 2, 2008 :
Docket No. C 3072 PCT/US :

This is a decision on the petition, filed March 14, 2012, under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred eighty-four (384) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred eighty-four (384) days is **DISMISSED**.

The Office acknowledges receipt of the required \$200.00 fee under 37 CFR 1.18(e).

Patentees dispute the Office's calculation of delay pursuant to 37 CFR 1.702(b). The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of May 5, 2008, not May 3, 2008, as patentees assert. Early processing was not requested. The earliest claimed priority date is November 3, 2005. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on Saturday, May 3, 2008, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is Monday, May 5, 2008. The over three year period begins on May 6, 2011 and ends on January 24, 2012, the date of issuance of the patent, and is 264 days.

Accordingly, no changes to the patent term adjustment will be made. It remains 382 days -- 236 days of A delay + 264 days of B delay - 118 days of Applicant delay.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



11 AUG 2010

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23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of :
TSUJI *et al* :
Application No.: 12/092,495 :
PCT No.: PCT/JP2006/322142 :
Int. Filing Date: 07 November 2006 :
Priority Date: 09 November 2005 :
Attorney Docket No.: KOT0369US :
For: ORGANIC ELECTROLUMINESCENT :
ELEMENT, DISPLAY DEVICE AND :
LIGHTING DEVICE :

DECISION

This decision is in response to the papers filed 17 June 2010 which are treated as a petition to revive under 37 CFR 1.137(b) and a renewed petition to change an inventor's name pursuant to 37 CFR 1.182.

BACKGROUND

On 15 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration filed 02 May 2008 does not comply with 37 CFR 1.497(a) and (b). The first inventor's name is different on the declaration than listed in the international application. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 12 August 2009, applicants filed a petition to change the name of the inventor pursuant to 37 CFR 1.182.

On 20 October 2009, a decision dismissing applicants' petition under 37 CFR 1.182 was mailed. Applicants were given two months to respond with extensions of time available.

On 09 June 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failure to respond.

On 17 June 2010, applicants filed the subject papers which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(b); a \$1,620.00 petition fee; a renewed petition to change an inventor's name; and a statement by the inventor whose name is being changed.

DISCUSSION

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regards to item (1) of 37 CFR 1.137(b)¹, the proper reply is to provide a declaration in compliance with 37 CFR 1.497(a) and (b). The original declaration listed the name of the first inventor as Aki TSUJI. However, the inventor is recorded as Aki NAKATA in the international application.

Renewed Petition Under 37 CFR 1.182

In the petition under 37 CFR 1.182 filed 12 August 2009, applicants failed to provide a statement of the inventor setting forth both names and the procedure whereby the change of name was effected, or provide a copy of the court order changing the name of the inventor. Accordingly, the petition was dismissed.

In the renewed response, applicants included a statement by the inventor. The statement lists both names and states that the name change was as a result of a marriage. The \$400.00 petition fee was previously paid. This evidence is sufficient for a grantable petition. See MPEP § 605.04(c).

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The name of the first inventor has been changed to Aki TSUJI. The declaration filed 02 May 2008 is now in compliance with 37 CFR 1.497(a) and (b). All the requirements of 37 CFR 1.137(b) are now satisfied.

Applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**.

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

¹ Items (2) and (3) of 37 CFR 1.137(b) have been submitted. Item (4) of 37 CFR 1.137(b) is not required.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,511	07/15/2008	Seiji Hamada	2008_0740A	3019
52349	7590	05/06/2011	EXAMINER	
WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503			TRAN, KHANH C	
			ART UNIT	PAPER NUMBER
			2611	
			NOTIFICATION DATE	DELIVERY MODE
			05/06/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com



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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of :
HAMADA, SEIJI, et al. :
Application No. 12/092,511 :
Filed: May 2, 2008 :
Attorney Docket No. 2008_0740A :
: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 7, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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**FOX ROTHSCHILD LLP
997 LENOX DRIVE
BUILDING 3
LAWRENCEVILLE NJ 08648**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
LIN	:	
Application No. 12/092,742	:	DECISION ON PETITION
Filed: July 17, 2008	:	TO WITHDRAW
Attorney Docket No. 054559.00010/5796-120US	:	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 Perry M. Fonseca 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: WEN T. LIN
840 TENNIS AVENUE
AMBLER PA 19002

cc : PERRY M. FONSECA
FOX ROTHSCHILD LLP
P.O. BOX 5231
PRINCETON NJ 08543



BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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NOV 09 2011

OFFICE OF PETITIONS

In re Application :
Sharon Margaret Gorski et al. :
Application No. 12/092,780 : DECISION ON APPLICATION
Filed: October 17, 2008 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. SMAR-059 :

This is a decision on the REQUEST UNDER 37 C.F.R. §1.705(b) FOR RECONSIDERATION OF A PATENT TERM ADJUSTMENT filed October 12, 2011. Applicants submit that the Office failed to properly calculate PTA for examination delay under 37 C.F.R. § 1.703(a)(1).

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

On August 11, 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 zero (0) days. Applicants submit the instant application for patent term adjustment requesting that the initial determination of Patent Term Adjustment under 35 U.S.C. 154(b) be further adjusted under 37 CFR 1.702.¹

The Office initially determined a patent term adjustment of zero (0) days based on adjustments for PTO delay of zero (0) days minus one hundred ninety-one days for applicant delay. Applicant contends however that the patent issuing from this application is entitled to more days of patent term adjustment based on Office delay.

Applicant disputes the period of adjustment for Office failure to mail a first action under 35 U.S.C. 132. Applicant calculates the period of delay pursuant to 37 CFR 1.702(a)(1), 14 months from October 17, 2008. The date that is 14 months from the 371 requirements fulfilment date is December 17, 2009. As the first Action under 35 U.S.C. § 132 was mailed on May 13, 2010, the delay under 37 C.F.R. § 1.703(a)(1) is 147 days (December 17, 2009 to May 13, 2010).

Applicant's arguments have been considered but have not been found to be persuasive.

A review of the application history confirms that the requirements of 35 U.S.C. 371 were fulfilled on October 26, 2009. The date of completion (or fulfillment of the requirements of 371) of this application is October 26, 2009, and not on October 17, 2008. (See Notice of Acceptance mailed February 18, 2010). This date was properly used in calculating the period of Office delay pursuant to 37 CFR §§1.702(a)(1) and 1.703(a)(1).

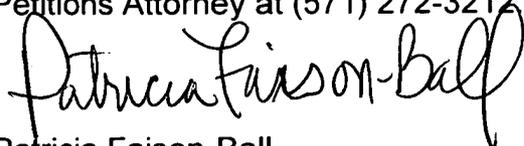
The period of adjustment pursuant to § 1.703(a)(1) for the Office's mailing of a first action under 35 U.S.C. 132 is 14 months from the completion date. This period is counted beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, December 26, 2010 and ending on the date of the mailing of the first action under 35 U.S.C. 132. In this case, the first action under 35 U.S.C. 132 was mailed May 13, 2010, thus there was no office delay.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance remains as zero (0) days, (0 days attributable to examination delay minus 191 applicant delay).

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

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

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



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

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MAR 15 2012

OFFICE OF PETITIONS

In re Application of :
Hirano, et al. :
Application No. 12/092,846 : ON PETITION
Filed: May 7, 2008 :
Attorney Docket No. **2271/79288** :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 16, 2012.

The petition is **dismissed**.

This application was held abandoned July 7, 2011, after no reply was received to the Notice of Non-Compliant Amendment mailed June 6, 2011. The notice set forth an extendable period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on July 7, 2011. A Notice of Abandonment was mailed December 16, 2011. The instant petition was filed on February 16, 2012. Petitioner maintains that the notice of June 6, 2011, was never received.

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

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

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

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

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**. If a master docket does not exist, the renewed petition should indicate such.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,860.00 for a large entity and \$930.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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FEB 18 2011
OFFICE OF PETITIONS

In re Application of :
Carlos Fernandez-Espana : **DECISION ON PETITION**
Application No. 12/092,907 : **TO WITHDRAW**
Filed: January 5, 2009 : **FROM RECORD**
Attorney Docket No. 15053.0100USWO :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2011.

The request is **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 Brian Batzli on behalf of all the practitioners of record associated with Customer Number 23552.

Customer Number 23552 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding non final Office action mailed September 2, 2010 that requires a reply from the applicant.

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: CARLOS FERNANDEZ-ESPANA
POLG. DE POMACO, SECTOR A2, NAVE 3
A CORUNA SPAIN E-15190



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/092,907	01/05/2009	Carlos Fernandez-España	15053.0100USWO

CONFIRMATION NO. 7443

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

POWER OF ATTORNEY NOTICE



Date Mailed: 02/16/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/11/2011.

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

/atkelley/

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



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**GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881**

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OFFICE OF PETITIONS

In re Application of
Ganta S. Reddy et al.
Application No. 12/092,923
Filed: September 9, 2008
Attorney Docket No. **MHI-001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 31, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

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

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

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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APR 28 2011

OFFICE OF PETITIONS

**SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202**

In re Application of :
Jitendra A. SATTIGERI et al. : **DECISION GRANTING PETITION**
Application No. 12/092,930 : **UNDER 37 CFR 1.137(b)**
Filed: June 23, 2008 :
Atty. Docket No.: 4220-132-PUS :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed November 18, 2010, which set a period of reply of three (3) months. The application became abandoned on February 19, 2011. A Notice of Abandonment was mailed March 3, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the Issue and Publication fees, (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 relating to this decision should be directed to Robert DeWitty (571-272-8427).

The application file will be referred to Office of Data Management for further processing.


for David Bucci
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/092,945	05/05/2009	Atsushi Harada	17401/050001	7759
22511	7590	08/18/2010	EXAMINER YAO, KWANG BIN	
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			ART UNIT 2473	PAPER NUMBER
			NOTIFICATION DATE 08/18/2010	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):

docketing@oshaliang.com
buta@oshaliang.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: HARADA, ATSUSHI et al.
Application No. 12092945
Filed: May 5, 2009
For: CONTROL CHANNEL ALLOCATION
APPARATUS, MOBILE COMMUNICATIONS
SYSTEM, AND CONTROL CHANNEL
ALLOCATION METHOD

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED

AUG 17 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 22, 2010, to make the above-identified application special.

The petition is **GRANTED**.

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

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400



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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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VALERIE CALLOWAY
CHIEF INTELLECTUAL PROPERTY COUNSEL
POLYMER GROUP, INC.
9335 HARRIS CORNERS PARKWAY SUITE 300
CHARLOTTE, NC 28269

MAILED

MAR 21 2011

In re Application of
Nick Carter
Application No. 12/092,988
Filed: November 10, 2008
Attorney Docket No. 05-441

:
:
:
:
:
:
:

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **NOT APPROVED**.

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

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on November 10, 2008 did not include one of the above two options.

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

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

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

cc: FABPRO ORIENTED POLYMERS, LLC
701 EAST AVENUE A
KINGMAN, KS 67068



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United States Patent and Trademark Office
P.O. Box 1450
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VALERIE CALLOWAY
CHIEF INTELLECTUAL PROPERTY COUNSEL
POLYMER GROUP, INC.
9335 HARRIS CORNERS PARKWAY SUITE 300
CHARLOTTE, NC 28269

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of :
Nick Carter :
Application No. 12/092,988 :
Filed: November 10, 2008 :
Attorney Docket No. 05-441 :
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 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 request was signed by Ramon R, Hoch on behalf of all attorneys of record who are associated with customer No. 62753. All attorneys/agents associated with the Customer Number 62753 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 23, 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: FABPRO ORIENTED POLYMERS, LLC
701 EAST AVENUE A
KINGMAN, KS 67068



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
12/092,988	11/10/2008	Nick Carter	05-441

CONFIRMATION NO. 8204

POWER OF ATTORNEY NOTICE



62753
VALERIE CALLOWAY
CHIEF INTELLECTUAL PROPERTY COUNSEL
POLYMER GROUP, INC.
9335 HARRIS CORNERS PARKWAY SUITE 300
CHARLOTTE, NC 28269

Date Mailed: 05/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/11/2011.

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

/amwise/

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



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20792
MYERS BIGEL SIBLEY & SAJOVEC
P.O. Box 37428
Raleigh, NC 27627

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of
SELPH *et al*
U.S. Application No.: 12/093,015
PCT No.: PCT/US2006/043748
Int. Filing Date: 08 November 2006
Priority Date: 08 November 2005
Attorney Docket No.: 9399-17
For: PYRIDINIUM AND THIAZOLIUM
CONJUGATES INCLUDING
POLYETHYLENE GLYCOLS
AND METHODS OF USING THE
SAME

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 August 2010 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted. A \$65.00 surcharge fee and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.


James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



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Paper No.

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Li et al. :
Patent No. 7696248 :
Issue Date: 04/13/2010 :
Application No. 12/093054 :
Filed: 05/08/2008 :
Attorney Docket Number: X-17153 :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)" filed on May 13, 2010, which is treated as a petition under 37 CFR 1.705(d). Patentees request that the patent term adjustment be increased from 0 days to 68 days. For the reasons stated below, the petition is treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by fifty-seven (57) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by fifty-seven (57) days is **GRANTED to the extent indicated herein**

On August 10, 2009, 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 0 days. The initial request under 37 CFR 1.705(b) was timely filed on November 9, 2009, with or prior to payment of the issue fee.¹ On March 2, 2010, the initial petition was dismissed. On April 13, 2010, the application issued as U.S. Patent No. 7,696,248 with a patent term adjustment of 0 days. On May 13, 2010, the subject request for reconsideration was filed.

¹ PALM records indicate that the issue fee was also paid on November 9, 2009.

Patentees again assert entitlement to a period of adjustment of 33 days for Office delay pursuant to 37 CFR 1.702(a)(1). Specifically, applicants assert that the notice of allowance was mailed 14 months and 33 days after the date the application's "US national filing date of May 8, 2008."

37 CFR 1.703(a)(1) states that the period of adjustment for Office delay is the number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. The fourteen month period under § 1.703(a)(1) is calculated from the date of the fulfillment of the requirements of 35 U.S.C. 371.

The priority date in this application is November 17, 2005. Applicants did not file an express request under 35 U.S.C. 371(f). Accordingly, the date which is 30 months from the priority date is May 17, 2008. As May 17, 2008, fell on a Saturday, the commencement date is shifted to May 19, 2008. See PCT Rule 80.5. Additionally, as applicants completed all 35 U.S.C. 371 requirements on filing the national stage prior to commencement, the completion date is also shifted to May 19, 2008.

Accordingly, the period of adjustment under 37 CFR 1.702(a)(1) is the period beginning on July 20, 2009, the day after the date fourteen months after the date of completion of all requirements under 35 U.S.C. 371. A notice of allowance was mailed on August 10, 2009, fourteen months and 22 days after the date after the date after the application completed the requirements of 35 U.S.C. 371.

Patentees further assert entitlement to a period of adjustment for Office delay under 37 CFR 1.702(a)(6) of 35 days, for the period from the day after the date that is four months after the date the issue fee was paid, November 9, 2009, to the date the patent issued, April 13, 2009.

Patentees' argument is well-taken. On November 9, 2009, the issue fee was paid. On April 13, 2010, four months and 35 days after the day after the date the issue fee was paid, the patent

issued. Accordingly, entry of a period of adjustment for Office delay of 35 days is warranted.

The patent term adjustment at the time of issuance of the patent is 57 ((22 + 35) days of Office delay - 0 days of applicant delay) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

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

The \$200.00 fee set forth in 37 CFR 1.18(e) was submitted on application for patent term adjustment filed November 9, 2009. No additional fees are required on request for reconsideration of the decision on the application for patent term adjustment.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by fifty-seven **(57)** days.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,696,248 B2

DATED : Apr. 13, 2010

DRAFT

INVENTOR(S) : Li 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 0 days.

Delete the phrase "by 0 days" and insert – by 57 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

January 11, 2011

CADWALADER, WICKERSHAM & TAFT LLP
ONE WORLD FINANCIAL CENTER
NEW YORK NY 10281

In re Application of : **DECISION ON PETITION**
KAMIIE, JUNICHI:
Application No. 12/093133 : **ACCEPTANCE OF COLOR**
Filed 06/27/2008 : **DRAWINGS**
Attorney Docket 92270.001US1 :

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 06, 2010.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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

MAILED
SEP 30 2011

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

OFFICE OF PETITIONS

In re Application of :
Mari OCHIAI et al. : ON PETITION
Application No. 12/093,146 :
Filed: May 9, 2008 :
Atty. Docket No.: 325953US2PCT :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed April 25, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned July 26, 2011. A Notice of Abandonment was mailed August 10, 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 fee and publication fee in accordance with the Notice mailed April 25, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

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

The application will be referred to Office of Data Management for further processing.


Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**VALERIE CALLOWAY
CHIEF INTELLECTUAL PROPERTY COUNSEL
POLYMER GROUP, INC.
9335 HARRIS CORNERS PARKWAY SUITE 300
CHARLOTTE NC 28269**

MAILED

JUN 22 2011

In re Application of	:	OFFICE OF PETITIONS
Nick Carter et al.	:	
Application No. 12/093,147	:	DECISION ON PETITION
Filed: November 10, 2008	:	TO WITHDRAW
Attorney Docket No. 05-454	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Winston & Strawn LLP
1111 Louisiana, 25th Floor
Houston TX 77002-5242

In re Application of

Ishii

Application No. 12/093,249

Filed: May 9, 2008

Attorney Docket No. 10189.0006.PCUS00

MAILED
MAY 20 2011
OFFICE OF PETITIONS

: DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 15, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on December 16, 2010. A Notice of Abandonment was mailed April 19, 2011.

The amendment filed May 4, 2011, is noted.

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being

mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 1600, GAU 1649 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:

Janelle D. Waack
Novak Druce & Quigg, LLP
1000 Louisiana
53rd Floor
Houston, TX 77007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/30/10

Paper No.: _____

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/093266 Patent No.: 7817660B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: All changes are approved except item 12.

Item 12 states deleting "partitions" in Column 7 Line 7.

There is no "partitions" to delete in line 7.

However, there is "memory partitions partition" in line 10

and it should be replaced with "memory partition". /C.H./



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MAILED

FEB 01 2011

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

PCT LEGAL ADMINISTRATION

In re Application of	:	
LUNDQVIST, Martin	:	
Application No.: 12/093,270	:	DECISION
PCT No.: PCT/EP2005/012245	:	
Int. Filing Date: 15 November 2005	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: P20944-US1	:	37 CFR 1.137(b)
For: REDUCED HARDWARE	:	
MULTIPLIER	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 01 December 2009 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The petition fee has been paid. The proper reply has been furnished. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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United States Patent and Trademark Office
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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of :
Albert Genster :
Application No. 12/093,405 :
Filed: May 12, 2008 :
Attorney Docket No. **TS/PIE 1110 US-PAT** :
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24203 has been revoked by the assignee who has intervened on December 23, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: PATENT LAW OFFICES OF DR. NORMAN B. THOT
POSTFACH 10 17 56
RATINGEN 40837 DE GERMANY

02 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

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

In re Application of :
SUZUKI, Henry Jun, et al. :
U.S. Application No.: 12/093,410 :
Filing Date: 12 May 2008 :
Attorney Docket No.: 07600.0022-00000 : DECISION
For: SOLID PHARMACEUTICAL :
COMPOSITION COMPRISING :
AGGLOMERATE NANOPARTICLES :
AND A PROCESS FOR PRODUCING :
THE SAME :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed 20 April 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application.

The petition is **GRANTED**.

A 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 international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 USC 365(c) and 35 U.S.C. § 120 to the prior-filed international 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 applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. 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 inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

This matter is being referred to Office of Patent Application Processing for processing as a filing under 35 USC 111(a).

/Boris Milef/

Boris Milef
Legal Examiner
Office of PCT Legal Administration



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE NJ 08648

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Michael A. Sturgess et al.	:	
Application No. 12/093,411	:	DECISION ON PETITION
Filed: May 12, 2008	:	TO WITHDRAW
Attorney Docket No. 07478.00007	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 24, 2010 and resubmitted on September 09, 2010.

The request is **APPROVED**.

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

The request was signed by Gerard Norton on behalf of all attorneys of record who are associated with customer No. 29880. All attorneys/agents associated with the Customer Number 29880 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **CHAPERONE TECHNOLOGIES, INC.**
C/O KENNETH E. KOVAN
PRESIDENT & CEO
2 EVERGREEN AVENUE
WAYNE PA 19087



UNITED STATES 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 15,2011

In re Application of :

Greg Young

Application No : 12093443

Filed : 14-Oct-2008

Attorney Docket No : RAFA.P-001-NP

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 15,2011

The request is **APPROVED**.

The request was signed by Carl Oppedahl (registration no. 32746) on behalf of all attorneys/agents associated with Customer Number 57380 . All attorneys/agents associated with Customer Number 57380 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 Jess Technologies Pty Ltd c/o Hickey Lawyers
Name2
Address 1 Box 5559, GCMC
Address 2
City Bundall QLD
State
Postal Code 9726
Country AU

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	12093443	
Filing Date	14-Oct-2008	
First Named Inventor	Greg Young	
Art Unit	3765	
Examiner Name	AMBER ANDERSON	
Attorney Docket Number	RAFA.P-001-NP	
Title	Compression garment or method of manufacture	
<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:		57380
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	Jess Technologies Pty Ltd c/o Hickey Lawyers	
Address	Box 5559, GCMC	
City	Bundall QLD	
State		
Postal Code	9726	
Country	AU	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/s/
Name	Carl Oppedahl
Registration Number	32746



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Box 1450

MAILED

MAY 27 2011

OFFICE OF PETITIONS

Kan Kuan Chuan
P.O. Box 77-13
Taipei 11161 TW TAIWAN

In re Application of :
Milan KEKANOVIC : DECISION GRANTING PETITION
Application No. 12/093,595 : UNDER 37 CFR 1.137(b)
Filed: May 14, 2008 :
Atty. Docket No.: KAN0012 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the nonfinal Office action mailed May 25, 2010, which set a shortened statutory period for reply of three (3) months. The reply filed November 24, 2010, was untimely as no extensions of time under 37 CFR 1.136(a) were obtained. The application became abandoned on August 26, 2010. A Notice of Abandonment was mailed on January 26, 2011.

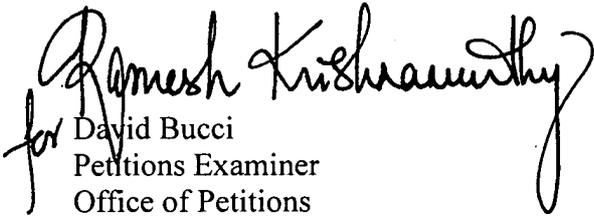
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of an amendment and replacement drawings, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

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 9, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be returned to petitioner.

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

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

The application file will be referred to Technology Center Art Unit 3633 for further action on the filed Response.


for David Bucci
Petitions Examiner
Office of Petitions

cc: Milan Kekanovic
Palicka, 7, RS-24000 Subotica
SERBIA



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kan Kuan Chuan
P.O. Box 77-13
Taipei 11161 TW TAIWAN

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of :
Milan KEKANOVIC : DECISION GRANTING PETITION
Application No. 12/093,595 : UNDER 37 CFR 1.137(b)
Filed: May 14, 2008 :
Atty. Docket No.: KAN0012 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2012, to revive the above-identified application.

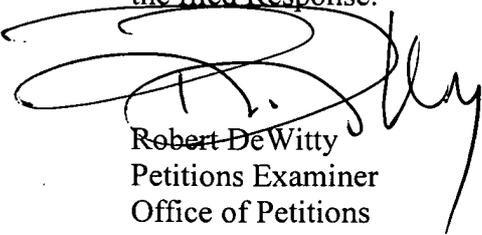
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to Notice of Allowance and Fee(s) Due mailed August 29, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned on November 30, 2011. A Notice of Abandonment was mailed on December 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 replacement drawings, (2) a petition fee of \$930 (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 (571-272-8427).

The application file will be referred to Office of Data Management for further action on the filed Response.


Robert DeWitty
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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PFIZER INC.
PATENT DEPARTMENT
Bld 114 M/S 9114
EASTERN POINT ROAD
GROTON CT 06340

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Patent No. 8,007,794	:
Zeller et al.	:
Issue Date: 08/30/2011	:
Application No. 12/093638	:
Filing or 371(c) Date: 11/10/2008	:
Attorney Docket No.	:
PC19499A	:

:	DECISION ON REQUEST
:	FOR RECONSIDERATION
:	OF PATENT TERM ADJUSTMENT
:	UNDER 37 CFR 1.705(d)
:	
:	

This is in response to the REQUEST FOR RECONSIDERATION: APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d), filed on October 27, 2011. Patentee requests that the determination of patent term adjustment be corrected from 219 days to 291 days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On August 30, 2011, the above-identified application matured into U.S. Patent No. 8,007,794. The patent issued with a PTA of 219 days. The present request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent.

Patentees contest the reduction of 72 days in connection with the filing of a Corrected Application Data Sheet, filed June 20, 2011, in reply to a Notice to File Corrected Application Papers, mailed June 14, 2011. The Notice to File Corrected Application Papers required a new oath or declaration or ADS because neither the oath/declaration and ADS filed in the application on November 10, 2008 identified the city and either state or foreign country of residence of each inventor. Patentees aver that the ADS filed on November 10, 2008 identified the complete and correct residence information of each inventor. Patentees argue that the oath filed November 10, 2008 satisfied 37 CFR 1.63(c), evidenced by the Office having entered as the "371 Completion Date" in the Patent Application Information and Retrieval System ("PAIR") of November 10, 2008. Patentees assert that the ADS filed in response to the Notice to File Corrected Application Papers was identical in content to the ADS filed November 10, 2008, and because Patentees had identified the complete and correct residence information of each inventor, and the application was complete on November 10, 2008, there was no reason for the Office to issue the Notice to File Corrected Application Papers. Patentees asseverates that they did not fail to engage in

reasonable efforts to conclude prosecution of the application because the requested information had already been provided to and accepted by this Office on November 10, 2008.

Patentees' arguments have been carefully considered. A review of the record reveals that neither the oath/declaration nor the ADS filed November 10, 2008 included the City of Residence or the State of Residence for any of the inventors listed thereon. The Office properly mailed a Notice to File Corrected Application Papers requiring the omitted information. Patentees' thereafter filed an ADS that included the omitted information¹.

Regarding the Office's acceptance of the application as complete, Patentees are advised that it is the Patentees' responsibility to file a complete and proper reply to the Office communication in the first instance. Patentees' may not shift the burden of Patentees' failure to file a complete and proper reply to the Office communication to this Office's alleged failure to inform Patentees of deficiencies in their replies².

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. *See*, 37 CFR 1.704(c)(10) and *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). *See, also*, MPEP 2737. The MPEP 2737 continues as follows: 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*. 37 CFR 1.704(c)(10) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the lesser of: (1) the number of days, if any, beginning on the date the amendment under 37 CFR 1.312 was filed and ending on the mailing date of the Office action or notice in response to the amendment under 37 CFR 1.312 or such other paper; or (2) four months. (Emphasis added).

Here, the PTA was correctly reduced by a period of 72 day in accordance with 37 CFR 1.704(c)(10), beginning on the date the Corrected ADS was filed, June 20, 2011, and ending 72 days later, on the issue date of the Patent, August 30, 2011.

¹ Patentees assert that the ADS filed in response to the Notice to File Corrected Application Papers was identical in content to the ADS filed November 10, 2008; however, identical is defined by Merriam Webster's as being the same. Here, the oath/declaration and ADS filed November 10, 2008 failed to include the City and State of Residence of the inventors, and thus failed to comply with 37 CFR 1.63.

²With regard the Corrected ADS filed in reply to the Notice to File Corrected Application Papers; the Corrected ADS is improper because it is not signed. 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 the application must be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

In view thereof, it is concluded that the patent correctly issued with a revised Patent Term Adjustment of two hundred nineteen days (219), and no adjustment to the patent term will be made.

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

Any request for reconsideration of this decision must be submitted within ONE MONTH of the mail date indicated herein. The time period for seeking reconsideration is not subject to extension under 37 CFR 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.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 29 2011

OFFICE OF PETITIONS

NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of :
Peter Kievits, et al. :
Application No. 12/093,643 : ON PETITION
Filed: May 14, 2008 :
Attorney Docket No.: 00 2110 US1 :

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 was held abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 7, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 8, 2010. A Notice of Abandonment was mailed on February 8, 2011. On March 1, 2011, the present petition was filed.

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Mark A. Wilson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner; but, if Mr. Wilson desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

The application is being referred to Technology Center AU 2183 for appropriate action by the Examiner in the normal course of business on the reply received March 1, 2011.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney or agent of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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**FOX ROTHSCHILD LLP
997 LENOX DRIVE
BUILDING 3
LAWRENCEVILLE NJ 08648**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
LIN	:	
Application No. 12/093,662	:	DECISION ON PETITION
Filed: August 22, 2008	:	TO WITHDRAW
Attorney Docket No. 054559.00002(5796-109US)	:	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 Perry M. Fonseca 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: WEN T. LIN
840 TENNIS AVENUE
AMBLER PA 19002

cc : PERRY M. FONSECA
FOX ROTHSCHILD LLP
P.O. BOX 5231
PRINCETON NJ 08543



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/093,662	08/22/2008	Wen T. Lin	054559.00002(5796-109US)

CONFIRMATION NO. 4986

POWER OF ATTORNEY NOTICE



20802
FOX ROTHSCHILD LLP
997 Lenox Drive
Building 3
Lawrenceville, NJ 08648

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

MAILED

DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
Koike et al.	:	
Application No.: 12/093,676	:	
PCT No.: PCT/JP2006/323060	:	
Int. Filing Date: 14 November 2006	:	DECISION
Priority Date: 14 November 2005	:	
Attorney Docket No.: 326109US0PCT	:	
For: Liquid Seasoning	:	

This is with regard to the correspondence filed on 26 January 2009.

BACKGROUND

This international application was filed on 14 November 2006, designated the United States, and claimed an earliest priority date of 14 November 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 18 May 2007. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 14 May 2008. Applicants timely paid the basic national fee.

On 07 January 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/14/2008" were mailed to counsel.

DISCUSSION

Counsel requests correction of the 35 U.S.C. 371(c)(1), (2) and (4)-date shown on the Notice of Acceptance, because "the correct date is August 15, 2008, the date of the filing of the executed Declaration." Review of the record reveals that the declaration was filed on 15 August 2008, but it was not made pursuant to PCT Rule 4.17(iv), does not appear to have been made on a USPTO-supplied form, and does not appear to have been accompanied by the statement required under 37 CFR 1.69(b). As such, it would not be appropriate to accept said declaration in satisfaction of 37 CFR 1.497(a) and (b). Therefore, the Filing Receipt and the Notice of Acceptance mailed on 07 January 2009 were issued in error, and both are hereby **VACATED**.

Applicants may wish to consider filing a statement under 37 CFR 1.69(b).

DECISION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Application No.: 12/093,676

-2

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

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



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

MAILED

MAR 10 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Koike et al.	:	
Application No.: 12/093,676	:	
PCT No.: PCT/JP2006/323060	:	
Int. Filing Date: 14 November 2006	:	DECISION
Priority Date: 14 November 2005	:	
Attorney Docket No.: 326109US0PCT	:	
For: Liquid Seasoning	:	

This is with regard to the response filed on 11 January 2011..

DISCUSSION

In a Decision mailed on 21 December 2010, applicants were advised that

Counsel requests correction of the 35 U.S.C. 371(c)(1), (2) and (4) date shown on the Notice of Acceptance, because "the correct date is August 15, 2008, the date of the filing of the executed Declaration." Review of the record reveals that the declaration was filed on 15 August 2008, but it was not made pursuant to PCT Rule 4.17(iv), does not appear to have been made on a USPTO-supplied form, and does not appear to have been accompanied by the statement required under 37 CFR 1.69(b). As such, it would not be appropriate to accept said declaration in satisfaction of 37 CFR 1.497(a) and (b). Therefore, the Filing Receipt and the Notice of Acceptance mailed on 07 January 2009 were issued in error, and both are hereby **VACATED**.

Applicants may wish to consider filing a statement under 37 CFR 1.69(b).

In response, counsel has made a statement which satisfies the requirements of 37 CFR 1.69(b). As such, it would now be appropriate to accept the declaration filed on 15 August 2008 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 August 2008**.

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



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MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

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SEP 29 2011

In re Application of : **OFFICE OF PETITIONS**
Gerald H. Negley et al :
Application No. 12/093,698 : **DECISION GRANTING PETITION**
Filed: November 12, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 5308-789 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 28, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 23, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2885 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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



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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.
12/093,731	05/15/2008	Koichi Hirota	326076US26X PCT	5469

22850 7590 03/01/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ABRAHAM, TANIA

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
03/01/2011	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):

patentdoCKET@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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FEB 28 2011

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www.uspto.gov

Steven P. Weihrouch
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
1940 Duke Street
Alexandria, VA 22314

In re Application of Koichi HIROTA et al
Application No. 12/093,731
Filed: May 15, 2009
For: HEAD REST DEVICE

: DECISION ON PETITION
: UNDER 37 CFR 1.181
: REGARDING COMMENTS
: ON STATEMENT OF
: REASONS FOR ALLOWANCE

This is in response to applicants' petition under 37 CFR 1.181 filed July 21, 2010 requesting that the applicant's comments in response to the examiner's statement of reasons for allowance be made of record.

The petition is **DISMISSED AS MOOT**.

A review of the file reveals that a Notice of Allowance was mailed May 10, 2010. The Notice of Allowance includes a statement of reasons for allowance by the examiner. On July 21, 2010, applicant filed a petition under 37 CFR 1.181 requesting to make of record the applicant's comments in response to the examiner's statement enclosed with the Notice of Allowance of May 10, 2010.

However, the applicant's petition and comments have already been entered in the file, and as such, they are part of the record. Therefore, the petition is dismissed as moot.

Applicant's comments have, however, been reviewed and noted. Applicant is correct in noting that the examiner incorrectly restated the claim language in the reasons for allowance, which has been more accurately quoted in the petition.

Any questions regarding this decision should be directed to Supervisory Patent Examiner David Dunn at (571) 272-6670.

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

dd: 2/2/11

LM



KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO NY 14202

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of :
David A. Gluck :
Application No. 12/093,736 : **ON PETITION**
Filed: June 30, 2009 :
Attorney Docket No: **Azimi 24-48-1-43** :

This is a decision on the petition filed December 8, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 20, 2011 for failure to timely reply to the non-Final Office Action mailed April 19, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed November 14, 2011.

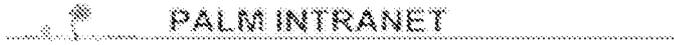
This matter is being referred to Technology Center 1783 for appropriate action on the amendment filed December 8, 2011.

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 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).



Day : Wednesday
Date : 12/14/2011
Time : 15:59:05

Inventor Name Search

Enter the first few letters of the *Inventor's* Last Name.
Additionally, enter the first few letters of the *Inventor's* First name.

Last Name	First Name	
<input type="text" value="ASSAKER"/>	<input type="text" value="RICH"/>	<input type="button" value="Search"/>

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Patent No. 7,823,976 :
Issue Date: November 2, 2010 :
Application No. 12/093,848 :
Filed: September 5, 2008 :
Patentee(s): Michael Mackert :

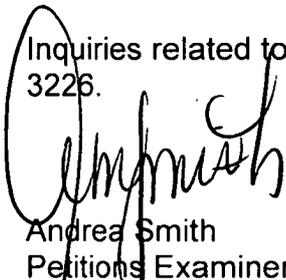
NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 22, 2010.

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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. 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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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

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JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Volker Brod, et. al. :
Application No. 12/093,895 :
Filed: May 15, 2008 :
Attorney Docket No. WUES-1-1004 :

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed October 21, 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.

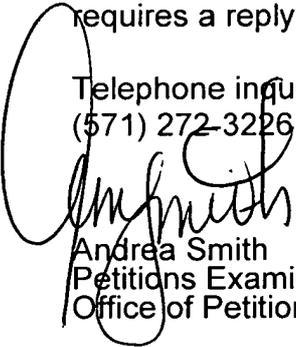
Additionally, the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). Thus, the request to change the correspondence cannot be accepted since it is not of the sole inventor or the intervening assignee that complied with the requirements of 37 CFR 3.73(b)¹.

¹ In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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

Petitioner should note there is an outstanding Office action mailed January 7, 2011, that requires a reply from the applicant.

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



Andrea Smith
Petitions Examiner
Office of Petitions

cc: John Miller, Miller IP Group
42690 Woodward Avenue, Suite 200
Bloomfield Hills, MI 48304



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MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

MAILED

Paper No.

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Gonzalez et al. :
Application No. 12/093,906 : DECISION ON PETITION
Filed: January 29, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
50078/P109308US :
Title: USE OF TRANSCRIPTOME :
MODIFYING AGENTS AND :
CHEMOTHERAPY OR RADIOTHERAPY :
AGAINST CANCER :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 28, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed October 4, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 5, 2011. A notice of abandonment was mailed on April 11, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the

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

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

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 28, 2011 can be processed in due course.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

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



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P.O. Box 10395
Chicago IL 60610

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FEB 08 2012

OFFICE OF PETITIONS

In re Patent No. 7,974,357 :
Issue Date: July 5, 2011 :
Application No. 12/093,925 : **DECISION ON PETITION**
Filed: May 15, 2008 :
Attorney Docket No. 9905/78 (BIF116660/US) :

This is a decision on the Petition Under 37 CFR §1.183 And Request For Certificate Of Correction Of Patent, filed November 1, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to add the omission of the second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present petition was submitted to add the omission of the second assignee's name on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name 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 the petition.

U.S. Patent No. 7,974,357
Application No. 12/093,925
Decision on Petition under 37 CFR §3.81(b)

Page 2

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,974,357.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/093,937	13 August 2008	JONES ET AL.	URQUH-79788

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

MICHAEL MANSEN

ART UNIT	PAPER
3654	20110606

DATE MAILED:

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

Commissioner for Patents

Michael R Mansen
SPE
Art Unit: 3654



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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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JUN 13 2011

In re Patent No. JONES ET AL.
Issue Date: June 29, 2010
Appl No.: 12/093,937
Filed: August 13, 2008
For: SAFETY DEVICE

:
:
: **DECISION GRANTING**
: **PETITION**
: **37 CFR 1.324**
:
:
:
:
:

This is a decision on the petition filed January 20, 2011 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Michael R. Mansen
Supervisory Patent Examiner
Art Unit 3654
Technology Center 3600

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045



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COMMISSIONER FOR PATENTS
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DATE: June 13, 2011
TO: Certificates of Correction Branch
FROM: Michael R. Mansen
SPE, Art Unit 3654
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,744,063 as specified on the attached Certificate.

Michael R. Mansen, SPE
Art Unit 3654

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,744,063
Patented: June 29, 2010

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

Karl Jones
Paul Illick



Michael R. Mansen
Supervisory Patent Examiner
Art Unit 3654



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NEXUS LAW GROUP LLP
1500 - 701 WEST GEORGIA STREET
VANCOUVER BC V7Y 1C6
CANADA

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NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Leggett et al. : DECISION ON PETITION
Application Number: 12/093944 :
Filing Date: 05/15/2008 :
Attorney Docket Number: 50347- :
008 :

This is a decision on the petition filed on September 2, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on August 18, 2010, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on May 17, 2010, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on September 1, 2010.

Receipt of the issue and publication fees 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



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PCT LEGAL ADMINISTRATION

Drinker Biddle & Reath LLP
Attn: Patent Docket Dept.
191 N. Wacker Drive, Suite 3700
Chicago, IL 60606

In re Application of:	:	
WELLMAN, Craig John	:	DECISION ON PETITION
Application No.: 12/094,262	:	UNDER 37 CFR 1.26
Int. Application No.: PCT/AU2006/000932	:	and
Int. Filing Date: 30 June 2006	:	37 CFR 1.183
Priority Date: 01 July 2005	:	
Attorney Docket No.: P2908US	:	
For: A CLOSURE	:	

This decision is issued in response to applicants' "Request for Refund" and "Petition to the Director Under 37 CFR 1.183 Suspension of the Rules" filed 15 August 2011. No petition fee is required with respect to the request for refund under 37 CFR 1.26 and the applicable petition with regard to the petition under 37 CFR 1.183 will be charged to applicants' deposit account no. 07-0181.

BACKGROUND

On 30 June 2006, applicants filed international application PCT/AU2006/000932. On 11 January 2007, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 01 January 2008. The published international application included 48 numbered claims.

On 19 May 2008, applicants filed a request for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application (communicated by the International Bureau), a preliminary amendment, an application data sheet, and a petition to revive under 37 CFR 1.137.¹ Additionally, applicants submitted \$700 as the fee for total claims in excess of twenty.

On 25 June 2009, a Notification of Acceptance and an Official Filing Receipt was issued indicating 48 total claims and 3 independent claims.

¹The petition to revive was granted in a Decision on Petition dated 19 September 2008.

Application No.: 12/094,262

On 15 August 2011, applicants filed the present "Request For Refund" and "Petition to the Director under 37 CFR 1.183 Suspension of the Rules" considered herein. The petition requests a refund in the amount of \$3,260.

DISCUSSION

Request for Refund under 37 CFR 1.26

Applicant requests a refund of the multiple dependent claim fee charged to applicant based on the claims as set forth in the preliminary amendment filed on 19 May 2008. The petition asserts that the failure to remove the multiple dependencies in claim number 42 was inadvertent and that the additional claims fees charged based on this inadvertent error should therefore be refunded. (A revised preliminary amendment which removes the multiple dependencies was filed on 06 June 2011.)

Initially, it is noted that the claims upon which the applicable claims fees are calculated in an international application entering the national stage in the United States are the claims in the international application, subject to any preliminary amendment to the claims filed in accordance with 37 CFR 1.121(c). As expressly stated in MPEP section 1893.01(c) (emphasis added):

A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.

Thus, the revised preliminary amendment filed 06 June 2011 (which removes the multiple dependencies retained in the original preliminary amendment) does not entitle applicant to a refund of the claims fees previously paid.

As for applicant's assertion that the fee payment was the result of an inadvertent error, MPEP Section 607.02 states the following:

Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment). When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for

Application No.: 12/094,262

such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

The claims fees for which applicants seek a refund in the present petition are the appropriate fees due based on the preliminary amendment filed by applicant herein. Such fees were therefore not paid by mistake or in excess, as required for a refund to be permissible under 35 U.S.C. 42(d) and 37 CFR 1.26(a). As expressly stated in the MPEP, when an applicant takes an action by mistake (as here, by filing of a preliminary amendment that inadvertently retained multiple dependencies), "the submission of fees required to take that action ... is not a 'fee paid by mistake' within the meaning of 35 U.S.C. 42(d).

Because the additional claims fees paid herein do not constitute a fee paid by mistake or in excess within the meaning of 35 U.S.C. 42(d), such fees are not subject to refund. Accordingly, applicant's request for refund of these fees is appropriately dismissed.

Petition For Refund Of Claims Fees Under 37 CFR 1.183

Applicant petitions under 37 CFR 1.183 for a suspension of the rules and a refund of patent claim fees related to a multiple dependent claim.

37 CFR 1.183 states as follows (emphasis added):

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).

However, as discussed above, the refund requested here is precluded by the applicable statute, 35 U.S.C. 42(d), which only permits a refund of fees "paid by mistake or any amount paid in excess of that required." 37 CFR 1.183 does not provide the Office with the authority to waive the statutory requirements of 35 U.S.C. 42(d). Applicant's petition under 37 CFR 1.183 for a refund of the claims fees paid herein is therefore appropriately dismissed.

CONCLUSION

The "Request For Refund" filed 15 August 2011 is DISMISSED without prejudice.

The "Petition under 37 CFR 1.183" filed 15 August 2011 is DISMISSED without prejudice.

Application No.: 12/094,262

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Refund Request" and must include a proper showing that the claims herein were effectively amended by applicants prior to the USPTO's charging of the required fees.

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

The application is being referred to Group Art Unit 3781 for examination.

Any telephone inquires with respect to this decision should be directed to Anthony Smith at 571-272-3298.


Bryan Lin
Senior Legal Examiner
Office of PCT Legal Administration



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. Includes application details for 12/094,429 and examiner information.

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):

- Martha_Victory@Huntsman.com
USPatents@Huntsman.com
Joanne_Cutlip@Huntsman.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120402A

DATE : April 02, 2012

TO SPE OF : ART UNIT 1761

SUBJECT : Request for Certificate of Correction on Patent No.: 7604669

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:

/Harold Y Pyon/
Supervisory Patent Examiner, Art Unit 1761



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Alexandria, VA 22313-1450
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Paper No.

MARSTELLER & ASSOCIATES
P O BOX 803302
DALLAS TX 75380-3302

MAILED
APR 16 2012

OFFICE OF PETITIONS

In re Application of	:	
Avner Elia	:	
Patent No. 8,107,902	:	ON APPLICATION FOR
Issue Date: 01/31/2012	:	PATENT TERM ADJUSTMENT
Application Number: 12/094,639	:	
Filing Date: 05/22/2008	:	
Attorney Docket Number:	:	
LUZ051PU	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed on March 23, 2012. Patentee requests that the patent term adjustment be increased from 534 days to 788 days. For the reasons stated below, the petition is treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred eighty-two (782) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred eighty-two (782) days is **GRANTED to the extent indicated herein**

On January 31, 2012, the subject application issued as U.S. Patent No. 8,107,902, with a patent term adjustment of 534 days. On March 22, 2012, the subject request for reconsideration was timely filed.

Patentee asserts that the period of three years delay under 37 CFR 1.702(b) is 254 days, based on a filing date of May 22, 2008.

The "B" delay period is 248 days, not 254 days as asserted by patentee. 37 CFR 1.702(b) states that the period of adjustment under 35 U.S.C. 154(b) is the period beginning three years after the date on which an application was filed under 35 U.S.C.

111(a), or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application.

The priority date in this application is November 28, 2005. Applicant did not file an express request under 35 U.S.C. 371(f). Accordingly, the date which is 30 months from the priority date is May 28, 2008.

This application commenced the national stage under 35 U.S.C. 371(b) on May 28, 2008. On January 31, 2012, the application issued as a patent, three years and 248 days after the day after the application commenced the national stage under 35 U.S.C. 371(b).

The patent term adjustment at the time of issuance of the patent is 782 days (593 days of Office delay + 248 days of three years delay - 0 overlapping days - 59 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

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

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

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating

Patent No. 8,107,902

Application No. 12/094,639

3

that the term of the above-identified patent is extended or adjusted by seven hundred eighty-two **(782)** days.

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Cc: QUALCOMM INCORPORATED
5775 MOREHOUSE DR
SAN DIEGO CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,107,902 B2

DATED : Jan. 31, 2012

DRAFT

INVENTOR(S) : Elia 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 534 days.

Delete the phrase "by 534 days" and insert – by 782 days--



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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED

MAR 25 2011

In re Application of : **OFFICE OF PETITIONS**
Voster :
Application No. 12/094,700 : **DECISION ON PETITION**
Filed: May 22, 2008 :
Attorney Docket No. HAMSO-1-PCT-US :

This is a decision on the petition, filed February 21, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

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

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

This application was held abandoned for failure to timely respond to the Notice of Non Compliant Amendment (37 CFR 1.121) of June 16, 2010, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before July 16, 2010.

Petitioner asserts that the Notice dated June 16, 2010 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and

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



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POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED

JUN 06 2011

In re Application of : **OFFICE OF PETITIONS**
Voster :
Application No. 12/094,700 : **DECISION ON PETITION**
Filed: May 22, 2008 :
Attorney Docket No. HAMSO-1-PCT-US :

This is a decision on the renewed petition, filed May 25, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Non Compliant Amendment (37 CFR 1.121) of June 16, 2010, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before July 16, 2010. A petition filed under 37 CFR 1.181 was dismissed on March 25, 2011.

Petitioner asserts that the Notice dated June 16, 2010 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

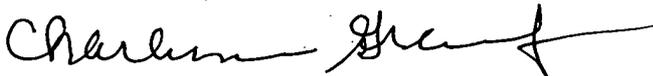
See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

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

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

In light of the submission of the reply to the Notice of Non Compliant Amendment on February 21, 2011, the Notice of Non Compliant Amendment will not be re-mailed. The response will be reviewed in the course of normal processing.

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



Charlema Grant
Petitions Attorney
Office of Petitions



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Decision Date : October 7,2011

In re Application of :

Yoshihiro Ueno

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12094737

Filed : 22-May-2008

Attorney Docket No : 326400US0PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 1721 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12094737
Filing Date	22-May-2008
First Named Inventor	Yoshihiro Ueno
Art Unit	1721
Examiner Name	CHRISTOPHER RODEE
Attorney Docket Number	326400US0PCT
Title	TONER

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	/Marina I. Miller/
Name	Marina I. Miller
Registration Number	59091



Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Kawana, et al. : **DECISION ON PETITION**
Application No. 12/094,756 :
Filed: May 22, 2008 :
Atty. Dkt. No.: SHIN-00200 :

This decision is in response to the petition under 37 CFR 1.137(b), filed June 15, 2011.

The petition is **GRANTED**.

This application became abandoned October 7, 2010 for failure to timely reply to the Office action mailed August 6, 2010. The Office action 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. 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 instant petition has been carefully reviewed and found in compliance with the provisions set forth above.

This application is being directed to Group Art Unit 2895 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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MAY 31 2011

PCT LEGAL ADMINISTRATION

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

In re Application of: ELKU, Joseph, et al. :
U.S. Application No.: 12/094,774 : **DECISION ON PETITION UNDER**
PCT No.: PCT/CA2006/001898 : **37 CFR 1.137(b)**
International Filing Date: 22 November 2006 :
Priority Date: 22 November 2005 :
Attorney's Docket No.: 213202-00596 :
For: RADIATION LAMP AND RADIATION :
MODULE INCORPORATING SAME :

The petition for revival under 37 CFR 1.137(b) filed on 18 April 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 27 March 2009 due to applicants' failure to submit a complete response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) issued on 27 January 2009. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued on 17 February 2011.

The present petition for revival was accompanied by the petition fee and the "required reply" in the form of an executed declaration in compliance with 37 CFR 1.497, satisfying the final outstanding requirement of the Notification Of Missing Requirements. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 April 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/094,795	05/23/2008	James M. Reuter	003108US2	5539
24737	7590	09/23/2010	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			JIAN, SHIRLEY XUEYING	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			3769	
			MAIL DATE	DELIVERY MODE
			09/23/2010	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.



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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:
REUTER, JAMES M.
Serial No. 12/094,795
Filed: May 23, 2008
Docket: 003108US2

Title: METHOD AND APPARATUS FOR
REMOTE PATIENT MONITORING

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed September 21, 2010 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed July 22, 2010.

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 July 22, 2010 is premature and the finality of the Office action is hereby withdrawn. The Office action mailed on July 22, 2010 will be designated as non-final Office action. Since the finality is being withdrawn, the amendment filed on September 21, 2010 in response to the Office action of July 22, 2010 has been treated as a 37 CFR § 1.111 amendment. The amendment of September 21, 2010 now has been entered for consideration. The examiner has been requested to issue a new Office action.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.



Angela D. Sykes, Director
Technology Center 3700



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APR 21 2011

MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

PCT LEGAL ADMINISTRATION

In re Application of MOWERY et al. :
Application No.: 12/094,843 : DECISION ON PETITION
PCT No.: PCT/US06/61698 :
Int. Filing Date: 06 December 2006 : UNDER 37 CFR 1.47(a) and 1.137(b)
Priority Date: 06 December 2005 :
Attorney Docket No.: CPG 20485 :
For: CONTAINER WITH REMOVABLE BASE :

This is a decision on applicant's petition under 37 CFR 1.47(a) and petition to revive under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office (USPTO) on 09 February 2011, to accept the application without the signature of the joint inventor DAVID LADWIG.

BACKGROUND

On 23 May 2008, applicant filed a request for entry into the U.S. National stage for PCT application PCT/US06/61698. On 28 July 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty month period, was required.

On 09 February 2011, applicant filed the instant petition under 37 CFR 1.47(a) along with a petition to revive under 37 CFR 1.137(b). The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor DAVID LADWIG, alleging that he refuses to sign the application.

DISCUSSION

Petition under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 February 2011 in the above-captioned application is hereby **GRANTED**.

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" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of \$1620 has been paid and an executed declaration and \$130 surcharge for filing the declaration after the thirty month period was provided. However, the declaration is not acceptable at this time. See explanation below under Item (4). The requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Petition under 37 CFR 1.47(a)

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

Applicant satisfied Item (1) with the payment of the petition fee. Item (3) is satisfied with the submission of non-signing inventor's last known address.

With regard to Item (2), Petitioner submits the statement of Suzanne Stewart, paralegal for MeadWestvaco Corporation. Ms. Stewart states that on 11 August 2010, she prepared and sent via Express Mail a complete copy of the application papers including a declaration to nonsigning inventor David P. Ladwig for his signature to his last known address. Ms. Stewart attached a copy of the cover letter and the Federal Express Delivery statement indicating delivery on 12 August 2010. Again, on 01 December 2010, Ms. Stewart prepared and sent via Federal Express a complete copy of the application papers to the nonsigning inventor at his last known address. A copy the cover letter and the Federal Express Delivery statement were attached to her statement indicating that delivery occurred on 3 December 2010. No response to either communication was received from the nonsigning inventor. From the totality of the evidence presented, it is reasonable to conclude that Mr. Ladwig refuses to join in the application. Item (2) is satisfied.

With respect to Item (4), applicant has submitted four page declaration. However, the declaration as submitted, is comprised of five pages; the supplemental page is provided twice with each page executed by a different inventor. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met. Item (4) is not yet satisfied. Accordingly, it is appropriate to accord the national stage application status under 37

CFR §1.47(a) at this time.

CONCLUSION

The petition to revive under 37 CFR 1.137(b) is hereby **GRANTED**. The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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) 272-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

MAILED

AUG 10 2011

PCT LEGAL ADMINISTRATION

In re Application of MOWERY et al. :
Application No.: 12/094,843 : DECISION ON PETITION
PCT No.: PCT/US06/61698 :
Int. Filing Date: 06 December 2006 : UNDER 37 CFR 1.47(a)
Priority Date: 06 December 2005 :
Attorney Docket No.: CPG 20485 :
For: CONTAINER WITH REMOVABLE BASE :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 June 2011, to accept the application without the signature of the joint inventor DAVID LADWIG.

BACKGROUND

On 23 May 2008, applicant filed a request for entry into the U.S. National stage for PCT application PCT/US06/61698. On 28 July 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty month period, was required.

On 09 February 2011, applicant filed a petition under 37 CFR 1.47(a) along with a petition to revive under 37 CFR 1.137(b)¹. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor DAVID LADWIG, alleging that he refuses to sign the application.

On 10 February 2011, a Notice of Abandonment was mailed to applicant indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements, within the time period set forth therein.

¹ Applicant also filed a request for an extension of time which is dismissed as moot. The extension of time fee (\$1730; fee code 1254) will be refunded to applicant's credit card.

On 21 April 2011, a decision dismissing the petition under 37 CFR 1.47(a) and granting the petition under 37 CFR 1.137(b) was mailed to applicant.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (2) and (3).

With respect to Item (4), applicant submitted an executed declaration, in compliance with 37 CFR 1.497(a) and (b). The declaration is acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have been met. Item (4) is satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 03 June 2011. The application has an international filing date of 06 December 2006 under 35 U.S.C. 363, and a date of 09 February 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

MAILED

AUG 11 2011

PCT LEGAL ADMINISTRATION

In re Application of MOWERY et al. :
Application No.: 12/094,843 : DECISION ON PETITION
PCT No.: PCT/US06/61698 :
Int. Filing Date: 06 December 2006 : UNDER 37 CFR 1.47(a)
Priority Date: 06 December 2005 :
Attorney Docket No.: CPG 20485 :
For: CONTAINER WITH REMOVABLE BASE :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 June 2011, to accept the application without the signature of the joint inventor DAVID LADWIG.

BACKGROUND

On 23 May 2008, applicant filed a request for entry into the U.S. National stage for PCT application PCT/US06/61698. On 28 July 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty month period, was required.

On 09 February 2011, applicant filed a petition under 37 CFR 1.47(a) along with a petition to revive under 37 CFR 1.137(b)¹. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor DAVID LADWIG, alleging that he refuses to sign the application.

On 10 February 2011, a Notice of Abandonment was mailed to applicant indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements, within the time period set forth therein.

¹ Applicant also filed a request for an extension of time which is dismissed as moot. The extension of time fee (\$1730; fee code 1254) will be refunded to applicant's credit card.

On 21 April 2011, a decision dismissing the petition under 37 CFR 1.47(a) and granting the petition under 37 CFR 1.137(b) was mailed to applicant.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (2) and (3).

With respect to Item (4), applicant submitted an executed declaration, in compliance with 37 CFR 1.497(a) and (b). The declaration is acceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have been met. Item (4) is satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 03 June 2011. The application has an international filing date of 06 December 2006 under 35 U.S.C. 363, and a date of 09 February 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
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PCT Legal Office
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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

MAILED

AUG 11 2011

PCT LEGAL ADMINISTRATION

DAVID P. LADWIG
1616 WEST JULIAN STREET
CHICAGO, IL 60622

In re Application of MOWERY et al.
Application No.: 12/094,843
PCT No.: PCT/US06/61698
Int. Filing Date: 06 December 2006
Priority Date: 06 December 2005
Attorney Docket No.: CPG 20485
For: CONTAINER WITH REMOVABLE BASE

Dear Mr. Ladwig:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re application of :
Doron Malka et al :
Application No. 12/095,004 : **NOTICE**
Filed: May 27, 2008 :
Attorney Docket No. P-8356-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on May 18, 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



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NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

MAILED
APR 27 2011
OFFICE OF PETITIONS

In re Application of :
Paul Parren et al. :
Application No. 12/095,023 : DECISION ON PETITION
Filed: August 26,2008 :
Attorney Docket No. GMI-092US :

This is a decision on the petition, filed January 6, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 19, 2010, which set a one (1) month or thirty (30) day shortened statutory period for reply. Accordingly, a reply was due on or before June 19, 2010.

Petitioner states that a timely reply was mailed via certificate of fax on August 19, 2010 including the required extension of time. Petitioner has submitted a copy of the previously mailed correspondence (including a request for two month extension of time), which bears a certificate of mailing dated August 19, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is

dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 19, 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 transmitted by facsimile on August 19, 2010.

This application is being referred to Technology Center AU 1643 for appropriate action in the normal course of business on the reply received with petition.



Carl Friedman
Petitions Examiner
Office of Petitions



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S&C ELECTRIC COMPANY
6601 NORTH RIDGE BLVD.
CHICAGO, IL 60626-3904

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of
Richard G. SMITH, et al.
Application No. 12/095,067
Filed: July 16, 2008
Attorney Docket No. **27708/5389A**

:
:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(b)
:
:

This is a decision on the 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 application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 22, 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 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2836 for appropriate action by the Examiner in the normal course of business on the reply received on February 23, 2011.

Thurman K. Page
Petitions Examiner
Office of Petitions



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BLAKELY SOKOLOFF
TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :
Poll :
Application No. 12/095,159 : DECISION
Filed/Deposited: 28 May, 2008 :
Attorney Docket No. 5926P073A :

This is a decision on the petition filed on 26 July, 2010, pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 28 May, 2008.

Petitioner appears to believe, albeit incorrectly, that the Office lists incorrect attorney/correspondence information in Office records for the instant application.

On 26 July, 2010, Petitioner submitted a petition seeking to correct this Office "error."

Petitioner states that the proper Customer Number for the application is "08791."

Office records in fact reflect that the Customer Number for the application is "08791."

CONCLUSION

The petition is **dismissed**; the fee is waived and is refunded via Deposit Account 02-2666.

The application is released to the Office of Patent Application Processing for processing as necessary in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) 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

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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BLAKELY SOKOLOFF
TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

JAN 31 2011

In re Application of	:	OFFICE OF PETITIONS
Poll	:	
Application No. 12/095,159	:	DECISION
Filed/Deposited: 28 May, 2008	:	
Attorney Docket No. 5926P073A	:	

This is a decision on the petition filed on 17 November, 2010, pursuant to 37 C.F.R. §1.53.

NOTE:

Petitioner inappropriately and improperly refers to a conversation averred to have occurred with the Office.

Petitioner, as one registered to practice before the Office is well aware, all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the only proper authority for 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) and/or inaction(s).

Further, the Office of Petitions and its staff attorneys neither agree to resolve or investigate nor undertake to resolve or investigate issues that a Petitioner may have with regard to a Petitioner's prior selection of attorneys intended to be associated with Petitioner's Customer Number.

Such matters are not within the authority or control of the Office of Petitions, and must be resolved by Petitioners in concert with the EBC of the Office.

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

07

Moreover, Petitioner complains that Office of Petition has failed to associate, to correct or otherwise change or alter the list of practitioners that Petitioner and/or Petitioner's office has had associated with Petitioner's Customer Number.

Again, such activity is not within the control of the Office of Petitions, but rather is the responsibility of Petitioner upon appropriate written contact with and instructions to the EBC.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 28 May, 2008.

Petitioner Eric Hyman (Reg. No. 30,139) appears to believe, albeit incorrectly, that the Office lists incorrect attorney/correspondence information in Office records for the instant application.

On 26 July, 2010, Petitioner submitted a petition seeking to correct this Office "error."

Petitioner stated that the proper Customer Number for the application is "08791."

Office records in fact reflected that the Customer Number for the application is "08791."

Petitioner thereafter complained that the Office of Petitions failed to correct the data that Petitioner and/or Petitioner's offices associated with Petitioner's Customer Number (or that of Petitioner's offices).

Moreover, Petitioner inappropriately and improperly referred to a conversation averred to have occurred with someone at the Office.

Petitioner, as one registered to practice before the Office is well aware that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

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

§1.2 Business to be transacted in writing.

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

Therefore, Petitioner—again as one registered to practice before the Office—is well aware that no telephone or other discussion may be controlling or considered authority for Petitioner’s action(s) and/or inaction(s).

Rather than selecting from the Office website the forms readily available there, specifically, the Office Form PTO/SB/134—“Request for Customer Number Data Change”—and thereafter completing same and submitting those materials (as directed on the face of the form to “Mail Stop EBC”), Petitioner twice filed petitions demanding that the Office of Petitions correct Petitioner’s error(s).

The forms are enclosed for Petitioner’s use, and additional copies may be obtained from the Office website, www.uspto.gov, specifically at: <http://www.uspto.gov/forms/index.jsp>.

CONCLUSION

The petition is **dismissed**; the fee is waived and was not charged. If Petitioner later finds that the fee was charged, Petitioner may request a refund from the Finance Office and enclose therewith a copy of this decision.

The application is released to the Office of Patent Application Processing for processing as necessary in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2³) 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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Marshall, Gerstein & Borun LLP (Hollister)
233 South Wacker Drive
6300 Willis Tower
Chicago IL 60606

MAILED

APR 16 2012

OFFICE OF PETITIONS

In re Patent No. 8,118,797 :
Issue Date: February 21, 2012 :
Application No. 12/095,298 : DECISION ON PETITION
Filed: July 14, 2008 :
Attorney Docket No. 30056/41553A :

This is a decision on the petition under 37 CFR 1.182, filed March 14, 2012, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

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

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioners' credit card.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Kimberly Terrell in the Office of Data Management at (703) 756-1568.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Kimberly Terrell, (Fax No. 571-270-9958)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN 24 2011

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

In re Application of: :
Bando et al. : PETITION DECISION
Serial No.: 12/095,320 :
Filed: May 29, 2008 :
Attorney Docket No.: 326899US0X PCT :

This is in response to the petition under 37 CFR § 1.59(b), filed January 13, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Information Disclosure Statement filed January 10, 2011 be expunged from the record because it was unintentionally submitted in the above-identified application. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/095,320	05/29/2008	Kazunori Bando	326899US0X PCT	1723
22850	7590	06/24/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.			BARKER, MICHAEL P	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			1626	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2011	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):

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



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

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Noguchi et al.	:	ON APPLICATION
Patent Number: 7,985,810	:	PATENT TERM ADJUSTMENT
Issue Date: 07/26/2011	:	and
Application No. 12/095364	:	NOTICE OF INTENT TO ISSUE
Filing or 371(c) Date: 05/29/2008	:	CERTIFICATE OF CORRECTION
Attorney Docket Number:	:	
Q108499	:	

This is a decision on the petition filed on filed August 26, 2011, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred fifteen (415) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted four hundred fifteen (415) days is **GRANTED to the extent indicated herein.**

Patentees provide that this Office errantly calculated a reduction of 90 days in connection with the filing of an Information Disclosure Statement ("IDS"). Applicants note that an IDS was filed on April 28, 2011, and the reduction should have been calculated beginning on April 28, 2011, and ending on May 5, 2011, the date the IDS was responded to by the Examiner in an Interview Summary, and is 8 days.

A review of office records confirms that applicants filed an IDS on April 28, 2011, and the Office notified Patentee of the reply to the IDS on June 1, 2011, and the reduction pursuant to 37 CFR 1.704(c)(10) is properly calculated at 35 days, beginning on the date the IDS was filed, and ending on the mailing date of the Office action or notice in response to the IDS.

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

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

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

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred eighty-eight (**388**) days (adjustments of 423 days less reductions of 35 days).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,985,810 B2

DATED : July 26, 2011

INVENTOR(S) : Noguchi 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 333 days.

Delete the phrase "by 333 days" and insert – by 388 days--



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/095,367	05/21/2009	Masahiro Kumagai	081647	1132

38834	7590	08/06/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP		
1250 CONNECTICUT AVENUE, NW		
SUITE 700		
WASHINGTON, DC 20036		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

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

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

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

patentmail@whda.com



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

In re Application of: :
KUMAGAI, MASAHIRO : DECISION ON REQUEST TO
Serial No.: 12/095,367 : PARTICIPATE IN PATENT
Filed: May 21, 2009 : PROSECUTION HIGHWAY
Docket: 081647 : (PPH) AND PETITION TO
Title: JIG FOR DRIVING CLOSING CAP FOR : MAKE SPECIAL UNDER 37
BOLT INSTALLATION HOLE : CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 4, 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 corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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.

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 Joe Hail, the SPE of Art Unit 3723, and 571-272-4485 for Class 29/283 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

Paper No.:20110223

DATE : February 23, 2011

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7838638

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:

/Misook Yu/
Supervisory Patent Examiner.Art Unit 1643



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Decision Date : March 30, 2012
In re Application of :
Theodore Dickinson
Application No : 12095400
Filed : 22-Jul-2009
Attorney Docket No : 221182-117861

DECISION ON PETITION
UNDER CFR 1.313(c)(3)

This is an electronic decision on the petition under 37 CFR 1.313(c)(3), filed March 30, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment.
See 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

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	12095400
Filing Date	22-Jul-2009
First Named Inventor	Theodore Dickinson
Art Unit	1774
Examiner Name	HUY TRAM NGUYEN
Attorney Docket Number	221182-117861
Title	GAS-LIQUID CONTACTOR

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)).

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Joseph V. Coppola, Sr./
Name	Joseph V. Coppola, Sr.
Registration Number	33373



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

**MAILED
AUG 09 2011
OFFICE OF PETITIONS**

In re Patent No. 7,939,627 :
Issue Date : May 10, 2011 :
Application No. 12/095,418 : **ON PETITION**
Filed: May 29, 2008 :
Attorney Docket No. 327133US0XPCT :

This is a decision on the petition, filed July 7, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

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 request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with a large initial 'T' and 'P'.

Thurman K. Page
Petitions Examiner
Office of Petitions



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Law Offices of Daniel L. Dawes
Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Ronald G. Holder et al.
Application No. 12/095,473
Filed: May 29, 2008
Attorney Docket No. IMS1.PAU.12.US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8, 2010.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 79782 has been revoked by the applicants of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: KING & SPALDING LLP
1100 LOUISIANA ST., SUITE 4000
ATTN.: IP DOCKETING
HOUSTON, TX 77002-5213



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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Hess, et al. :
Application No. 12/095,695 : NOTICE
Filed: November 4, 2010 :
Attorney Docket No. NOVAP0021 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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Bib Data Sheet

CONFIRMATION NO. 4440

Table with 5 columns: SERIAL NUMBER (12/095,695), FILING OR 371(c) DATE (11/04/2010), CLASS (239), GROUP ART UNIT (3752), ATTORNEY DOCKET NO. (NOVAP0021)

APPLICANTS
Joseph Hess, Bevaix, SWITZERLAND;
Amir Feriani, Auvernier, SWITZERLAND;
Luciano Cravero, Cressier, SWITZERLAND;
Stewart Noble, Perpetua de Mogoda, SPAIN;
Victor Ques, Perpetua de Mogoda, SPAIN;
** CONTINUING DATA *****
This application is a 371 of PCT/EP06/06059 06/23/2006
** FOREIGN APPLICATIONS *****
EUROPEAN PATENT OFFICE (EPO) 05026083.5 11/30/2005
IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 11/08/2010

Table with 6 columns: Foreign Priority claimed, 35 USC 119 (a-d) conditions, STATE OR COUNTRY (SWITZERLAND), SHEETS DRAWING (14), TOTAL CLAIMS (22), INDEPENDENT CLAIMS (1)

ADDRESS
24203

TITLE
VOLATILE LIQUID DROPLET DISPENSER DEVICE

Table with 2 columns: FILING FEE RECEIVED (597) and FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: (checkboxes for All Fees, 1.16 Fees, 1.17 Fees, 1.18 Fees, Other, Credit)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/5/2011 Paper No.: _____
TO SPE OF : ART UNIT 2856
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/095769 Patent No.: 7814774 B2
CofC mailroom date: 12/21/10

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- | | |
|---|---|
| <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: _____

Hezron Williams HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
SPE 2856
Art Unit



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MITCHELL LAW GROUP, LLC
939 ANDOVER WOODS DR
FENTON, MI 48430

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Pera Odishoo :
Application No. 12/095,796 : **ON PETITION**
Filed: October 15, 2008 :
Attorney Docket No. PO1103 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 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 December 3, 2010.

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

The proposed reply required for reconsideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Since the amendment submitted does not prima facie place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). An advisory Action is attached to this decision.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Advisory Action



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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MITCHELL LAW GROUP, LLC
939 ANDOVER WOODS DR
FENTON, MI 48430

MAILED
DEC 02 2011

OFFICE OF PETITIONS

In re Application of :
Pera Odishoo :
Application No. 12/095,796 : **DECISION ON PETITION**
Filed: October 15, 2008 :
Attorney Docket No. PO1103 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 2, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provision of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 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 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 3632 for appropriate action by the Examiner in the normal course of business on the reply received October 24, 2011.


April M. Wise
Petitions Examiner
Office of Petitions



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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :
Pierre Mouget et al. :
Application No. 12/095,844 : **DECISION ON PETITION**
Filed: August 27, 2008 :
Attorney Docket No. 21.1404 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 23, 2010. Accordingly, the date of abandonment of this application is February 24, 2011. A Notice of Abandonment was mailed on March 10, 2011.

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

MAILED

MAR 31 2011

OFFICE OF PETITIONS

In re Application of :
Vitalis et al. :
Application Number: 12/095,850 :
Filing or 371(c) Date: 10/06/2008 :
Attorney Docket Number: TRA02 P-302A :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on February 15, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.


Douglas Wood
Attorney
Office of Petitions



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

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Sezer et al.	:	DECISION ON PETITION
Application No. 12/095,993	:	TO WITHDRAW
Filed: November 18, 2008	:	FROM RECORD
Attorney Docket No. 2006982-0008 (MRGT-008)	:	

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

The request is **NOT APPROVED**.

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

In the instant application, the practitioners were appointed via Customer Number. Therefore, a request to withdraw cannot be approved without providing the appropriate Customer Number.

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

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions



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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PILLSBURY WINTHROP SHAW PITTMAN, LLP (NV)
PO BOX 10500
MCLEAN, VA 22102

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
Hiroki Sakamoto, et al. :
Application No.: 12/096,050 : **ON PETITION**
Filed: January 22, 2009 :
Attorney Docket No.: 041230-0370613 :

This is a decision on the petition, filed December 22, 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 November 29, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 1763 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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P.O. Box 1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

MAILED
JAN 06 2011
OFFICE OF PETITIONS

In re Application of :
Hirofumi Konishi, et al. :
Application No.: 12/096,088 : **ON PETITION**
Filed: June 4, 2008 :
Attorney Docket No.: P34601 :

This is a decision on the petition, filed January 5, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 17, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 2878 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.

Handwritten signature/initials



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Alexandria, VA 22313-1450
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MAILED

JAN 11 2011

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

PCT LEGAL ADMINISTRATION

In re Application of	:	
UNO, Yoshinobu, et al.	:	
Application No.: 12/096,240	:	
PCT No.: PCT/JP2006/324947	:	DECISION
Int. Filing Date: 14 December 2006	:	
Priority Date: 16 December 2005	:	ON PETITION UNDER
Docket No.: 740675-86	:	
For: RECEPTACLE ATTACHED WITH	:	37 CFR 1.181
OPTICAL ISOLATOR AND METHOD	:	
THEREOF	:	

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 02 August 2010.

BACKGROUND

On 05 June 2008, applicants filed a transmittal letter for entry into the National Phase in the United States, accompanied by, *inter alia*, payment of basic national, search and examination fees.

On 18 June 2008, applicants submitted a declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 26 March 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that the translation of the drawings had been cut off and that a translation of the application into English and the processing fee for furnishing the translation after 30 months were required. The Notification set a two (2) month extendable period for reply.

On 27 April 2009, drawings were uploaded into this application via EFS-Web.

On 19 July 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned as applicant failed failure to respond to the Notification of Missing Requirements mailed 26 March 2009 within the time period set therein.

On 02 August 2010, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

This application is abandoned.

Applicants failed to respond to the Notification of Missing Requirements. The drawings uploaded to this file on 27 April 2009 were not signed in accordance with 37 CFR §§1.33(b) and 1.4. Applicants have as yet not paid the processing fee.

The published drawings contained foreign text, so a translation of the drawings was required. The originally filed drawing translations were defective. They failed to indicate and translate the figure numbers and the right side of the images were cut off. The Notification of Missing Requirements correctly required both new translations of the drawings and the processing fee. The processing fee had not been paid (the surcharge for late furnishing of the search fee, examination fee or oath or declaration was paid) and the authorization to charge the deposit account on the transmittal letter was not completed.

Applicants may wish to consider the filing of a petition under 37 CFR 1.137.

CONCLUSION

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

The application remains **ABANDONED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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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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MAR 30 2011

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

PCT LEGAL ADMINISTRATION

In re Application of	:	
UNO, Yoshinobu, et al.	:	
Application No.: 12/096,240	:	
PCT No.: PCT/JP2006/324947	:	DECISION
Int. Filing Date: 14 December 2006	:	
Priority Date: 16 December 2005	:	ON PETITION UNDER
Docket No.: 740675-86	:	
For: RECEPTACLE ATTACHED WITH	:	37 CFR 1.137(b)
OPTICAL ISOLATOR AND METHOD	:	
THEREOF	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 20 January 2011 is **GRANTED**.

Applicants state 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. The translation of the drawings and the processing fee for late furnishing of the translation have been furnished. The petition fee has been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Patent No. 7,902,605 :
Issue Date: 03/08/2011 :
Application No. 12/096,272 : **ON PETITION**
Filed: 10/17/2008 :
Attorney Docket No. S1022.71109US00 :

This is a decision on the PETITION FOR CERTIFICATE OF CORRECTION UNDER 37 CFR §1.183 filed March 29, 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 paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. F. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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: 12/096,280, 02/02/2010, Mitsuo Soumi, Q108364, 1370

7590 01/31/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Table with 1 column: EXAMINER

LAM, HUNG H

Table with 2 columns: ART UNIT, PAPER NUMBER

2622

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

01/31/2011

ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [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.

Handwritten signature of Toni Armes
Patent Publication Branch
Office of Data Management



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Alexandria, VA 22313-1450
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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of :
WOOD et al. :
Application No.: 12/096,281 :
PCT No.: PCT/US06/44859 :
Int. Filing Date: 16 November 2006 :
Priority Date: 05 December 2005 :
Atty. Docket No.: MS6-0232US :
For: PLAYBACK OF DIGITAL :
IMAGES :

DECISION

This is a decision on applicants' "PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 13 July 2011.

BACKGROUND

On 16 November 2006, applicants filed international application No. PCT/US06/44859 which claimed a priority date of 05 December 2005, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 05 June 2008.

On 05 June 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee. However, the oath or declaration of the inventors submitted with the transmittal does not contain the signatures of all six inventors. The signatures of four of the six inventors, Stephen Hodges, Lyndsay Williams, James Srinivasan and Carsten Rother are missing.

In accordance with 37 CFR 1.497 and MPEP 1893.01(e), the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 USC 371 AND 37 CFR 1.495 mailed September 15, 2008 is hereby vacated. Applicants entering the national stage in the U.S. are required to file an executed oath or declaration of the inventor.

On 13 July 2011, applicants filed the present petition which requests that the application be accepted without the signature of one of the joint inventors, Lyndsay Williams on the grounds that she refuses to execute the application papers. The petition does not contain an executed oath or declaration of the other three inventors, Stephen Hodges, James Srinivasan and Carsten Rother.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2) set forth above.

Concerning item (1) above, the petition asserts that the present application should be accepted for entry into the national stage based on the refusal of the co-inventor to join in the present application for patent. In this regard, section 409.03(d) of the Manual Of Patent Examining Procedure (MPEP), under the heading "REFUSAL TO JOIN" states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the application file reveals that item (1) cannot be said to have been satisfied at this time. Petitioner must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Lyndsay Williams was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventor was presented with 132 pages of documents which consist of copies of published PCT applications. If the joint inventor was not presented with a copy of the application papers for this application, then the joint inventor could not attest that she have "reviewed and understand the application papers" and could not execute the declaration she was requested to sign. Did the joint inventor receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventor, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors , return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** See MPEP 409.03(d).

Petitioner has not demonstrated that Ms. Williams would not sign the application papers. A cursory review of the application papers (specification, claims, drawings and oath or declaration) as filed shows approximately 50 pages. Petitioner should explain the need for a review of the other 82 pages by Ms. Williams.

As to item (2), a review of the application file and the petition reveals that item (2) cannot be said to have been satisfied at this time. An executed oath or declaration by the five inventors is required in accordance with 37 CFR 1.497 (a) and (b).

Therefore, in that applicants have not satisfied items (1) and (2) above, the petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above the petition is **DISMISSED** without prejudice.

For the reason above the NOTICE OF ACCEPTANCE OF APPLICATION is **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request

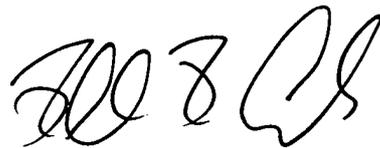
should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Telephone inquiries should be directed to Jose' G Dees at (571) 272-1569

Jose' G. Dees
Petitions Examiner
Office of Petitions

A handwritten signature in black ink, appearing to read 'RR Cole', is positioned above the typed name of Richard R. Cole.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration



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.
12/096,428	09/26/2008	Igor Elman	04843/148002	1596
21559	7590	11/17/2011	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			GEMBEH, SHIRLEY V	
			ART UNIT	PAPER NUMBER
			1628	
			NOTIFICATION DATE	DELIVERY MODE
			11/17/2011	ELECTRONIC

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

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

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

patentadministrator@clarkelbing.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 17 2011

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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J. Cooper McDonald, Ph.D.
CLARK & ELBING, LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of :
Elman et al :Decision on Petition
Serial No.:12/096,428 :
Filed: 26 September 2008 :
Attorney Docket No.:04843/148002 :

This letter is in response to the Petition filed on 6 April 2011 under 37 C.F.R. 1.144 requesting that the restriction requirement dated 5 August 2010 be withdrawn.

BACKGROUND

This application was filed in compliance with 35 U.S.C. 371 and as such, is considered for review under the PCT unity of invention standard.

On 5 August 2010, the examiner divided claims 1-29 into six groups, as follows.

Group I, claim(s) 1 and 3-17 are, drawn to a method of treating a sequela of weight gain or pain insensitivity in a subject treated with a second antipsychotic agent (SGA) comprising administering an opioid receptor antagonist.

Group II, claim(s) 2, drawn to a method of treating psychiatric disorder comprising administering a second generation antipsychotic agent and an opioid receptor antagonist.

Group III, claim(s) 3, drawn to treating sequela of weight gain or pain insensitivity in a subject suffering from psychiatric disorder comprising administering a SGA and an opioid receptor antagonist.

Group IV, claim(s) 18, drawn to determining the efficacy of treatment with an SGA and an opioid receptor antagonist comprising determining the pain sensitivity of a subject having been administered an SGA and an opioid receptor antagonist....

Group V, claim(s) 19, drawn to a method of determining a propensity for a subject to gain weight from SGA treatment comprising determining the pain sensitivity of a subject

Group VI, claim(s) 21-29, drawn to a pharmaceutical composition comprising a second generation antipsychotic (SGA) and an opioid antagonist.

On 4 November 2010, applicants elected Group I, with traverse.

On 6 January 2011, the examiner considered the traversal, withdrew the restriction between Group III and Group I, maintained the remainder of the requirement and made it final. Claims 2-3, 18, 19 and 21-28 were withdrawn from consideration under 37 CFR 1.142(b). Claims 1, 3-8 and 10-17 were rejected under 35 U.S.C. 112, first paragraph for failing comply with the written description. Claims 1, 3-8, 10-12 and 16-17 were rejected as being anticipated under 35 U.S.C. 102(b) by Dante. Claims 1 and 3-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dante in view of Sherman and McElroy.

On 6 April 2011, applicants filed a response along with this petition.

Prior to the review of this petition by the deciding official, the examiner mailed a final Office action on 26 October 2011, which maintained a prior art rejection on the process claims.

DISCUSSION

The application, file history and petition have been considered carefully. Relevant claims, as currently amended, corresponding to Groups I-VI, respectively, are set forth below:

1. (Original) A method of treating a sequela of weight gain or pain insensitivity in a subject treated with a second generation antipsychotic agent (SGA), said method comprising administering an opioid receptor antagonist to said subject suffering from said sequela in an amount sufficient to treat said sequela.

2. (Original) A method of treating a psychiatric disorder, said method comprising administering a second generation antipsychotic agent (SGA) and an opioid receptor antagonist to a subject suffering from said psychiatric disorder in an amount sufficient to treat said psychiatric disorder, wherein said administration results in a reduction of a sequela of weight gain or pain insensitivity.

3. (Original) A method of treating a sequela of weight gain or pain insensitivity in a subject suffering from a psychiatric disorder, said method comprising administering a second generation antipsychotic agent (SGA) and an opioid receptor antagonist to said subject in an amount sufficient to treat said sequela or pain insensitivity.

18. (Currently Amended) A method of determining the efficacy of treatment with ~~an a~~ second generation antipsychotic agent (SGA) SGA and an opioid receptor antagonist, said method comprising determining the pain sensitivity of a subject having been administered an SGA and an opioid receptor antagonist, wherein an increase in the level of pain sensitivity after administration of said SGA and opioid receptor antagonist is indicative of therapeutic efficacy.

19. (Currently Amended) A ~~The method for of claim 2, determining a propensity for a subject to gain weight from SGA treatment, said method comprising determining the pain sensitivity of a subject,~~ wherein said subject has a decreased level of pain sensitivity compared to a healthy control ~~is indicative of the propensity for said subject to gain weight from SGA treatment.~~

21. (Currently Amended) A pharmaceutical composition comprising (i) a second generation antipsychotic agent (SGA) and (ii) an opioid receptor antagonist.

Prior to addressing the merits of the petition, it is noted that in several places the 6 January 2011 and 26 October 2011 Office actions provide inconsistent information concerning the status of claim 3. For example, in the original restriction, claim 3 was placed in Group I and in Group III. On page 2 of the final Office action, claim 3 is indicated as both examined and withdrawn:

4. Claims 1 and 3-17 are under examination and claims 2-3, 19-19 and 21-29 are withdrawn based on the restriction election set forth in the previous office action

According to MPEP 814, 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). The treatment of claim 3 is not in keeping with this guidance.

Turning now to the merits of the petition, applicants request that Groups I-V be rejoined for examination. This request is persuasive. Here, it appears that the examiner has placed each independent claim into its own group for restriction, even though the subject matter of independent claims 1, 2, 3, and 18 (which correspond to Groups I, II, III and IV) is closely intertwined, as outlined in short hand form the chart on the next page.

Group I, independent claims 1 and 3*	Group II, independent Claim 2	Group III, independent Claim 3	Group IV, independent Claim 18	Group V, Claim 19**
A method of treating weight gain		A method of treating weight gain		
			A method of determining efficacy of a treatment with SGA and an opioid antagonist	
or pain insensitivity		or pain insensitivity	by determining pain sensitivity in a subject	
	A method of treating a psychiatric disorder	in a patient suffering from a psychiatric disorder		A method of treating a psychiatric disorder
by administering	by administering	by administering	having been administered	by administering
	a SGA*** and	a SGA and	a SGA and	a SGA and
an opioid receptor antagonist.	an opioid receptor antagonist.	an opioid receptor antagonist.	an opioid receptor antagonist.	an opioid receptor antagonist
				wherein the subject has a decreased level of pain compared to a healthy control.

*It is noted that Claim 3 was placed in two different groups and then treated as both examined and withdrawn from consideration.

** Claim 19 was originally written in independent format, but has been amended to depend upon Claim 2. Paragraph 20.09 of the PCT ISPE Guidelines requires re-consideration of the unity of invention requirement upon amendment.

*** SGA is defined as second generation antipsychotic agent.

A review of the dependent claim shows further interconnectedness between the groups. For example, claim 4 depends upon claim 1 and was placed in Group I, and yet it includes limitations of diagnosing pain insensitivity which are comparable to Claim 19 which was placed in Group V. Claim 10 depends from Claim 1 and was placed in Group I and, yet includes the limitations of the patient suffering from a psychiatric disorder, which is comparable to Claims 2 and 3 which had been placed in Groups II and III, respectively. MPEP 806.05 cautions examiners that if inventions "are not distinct, restriction is never proper. If non-distinct inventions are claimed in separate applications or patents, double patenting must be held, except where the additional

applications were filed consonant with a requirement to restrict.” In this instance, restriction is not warranted between Groups I-V.

The petition then requests concurrent examination of the product of Group VI (a pharmaceutical composition comprising an SGA and an opioid receptor antagonist) with the processes of Groups I-V. This request is not persuasive. The ISPE Guidelines provides the following example directed to this situation:

10.21 Example 1

Claim 1: A method of manufacturing chemical substance X.

Claim 2: Substance X.

Claim 3: The (method of) use of substance X as an insecticide.

Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

In this example, product claim 2, directed to Substance X is identified as being the shared technical feature. In this instant application, the composition of Group VI is considered to be the shared technical feature. The method of using Substance X (claim 3 of the Example above) is comparable to this application’s Groups (I-V) method of using the composition of Group VI (claim 21). While the examiner failed to provide adequate reasons as to why unity of invention was lacking between the product and process inventions in the initial or final restriction requirement, the prior art rejection of record indicates that shared technical feature does not make a contribution over the prior art. For this reason, unity of invention remains lacking between the elected process and withdrawn product claims.

DECISION

Accordingly, the petition filed 6 April 2011 is **GRANTED-IN-PART**.

The restriction requirement made between the methods of Groups I, II, III, IV and V is withdrawn.

The restriction requirement made between the method of rejoined Groups (I-V) and the product of Group VI is maintained.

The Office action mailed 26 October 2011 has been withdrawn.

The application will be returned to the examiner for consideration of the papers filed 6 April 2011 and for preparation of a supplemental Office action consistent with this decision which addresses all pending process claims on the merits.

Any request for reconsideration should be filed under 37 CFR 1.181 within two (2) months of the mail date of this petition decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.



Remy Yucel
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/14/2011 Paper No.: _____
 TO SPE OF : ART UNIT 3746
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12/096525 Patent No.: 7871251 B2
 CofC mailroom date: 2/1/2011

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- | | |
|---|---|
| <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: The changes made to Figure 2 are approved. The changes made to Figure 3 were entered and approved with the July 19 2009 amendment.

Dan Phan
SPE

3746
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 23 2010

PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of SCHWARZMANN et al	:	
U.S. Application No.: 12/096,558	:	
PCT Application No.: PCT/EP2005/056570	:	
Int. Filing Date: 07 December 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 6741P151	:	
For: CROSS DOCKING IN ROUTE	:	
DETERMINATION	:	

This is in response to applicant's correspondence filed 26 July 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 07 December 2005, applicant filed international application PCT/EP2005/056570. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 09 June 2008.

On 06 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 June 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the declaration filed on 06 June 2008 reveals that it is defective for a reason different than that stated in the Notification of Missing Requirements. In particular, the

declaration is an improper composite document consisting of one each of pages 1 and 2 and two of page 3. It is not acceptable to combine individual pages (e.g. signature pages) from different copies of a declaration into a single document for submission. Applicant must furnish either: (1) a single complete declaration which is presented to an executed by each inventor or (2) multiple complete declarations, wherein each inventor executes at least one of the multiple complete declarations. Because the Notification of Missing Requirements did not properly specify the defect in the declaration, the period for response to the Notification of Missing Requirements will be restarted as noted below.

CONCLUSION

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

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

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



Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120119

DATE : January 19, 2012

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction on Patent No.: 7,825,841

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:

/SHAWKI ISMAIL/
Supervisory Patent Examiner.Art Unit 2819

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/096,608	Filing date:	08-JUN-2008
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First Named Inventor:	Marc Raynal
-----------------------	-------------

Title of the
Invention: Device for Producing Mechanical Energy by Means of a Divergent, Telescopic . . .

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/FR2007/000922

The international date of the corresponding PCT application(s) is/are: 05-JUN-2008

- I. List of Required Documents:**
- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
 - Is attached
 - Is not attached because the document is already in the U.S. application.
 - b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**
 - Is attached.
 - Is not attached because the document is already in the U.S. application.
 - c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Privacy Act Statement

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

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

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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: raynal608	Application Number (if known): 12/096,608	Filing date: 08-JUN-2008
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First Named Inventor: Marc Raynal

Title: Device for producing mechanical energy by means of a divergent, telescopic and auto sustained chimney

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.

- 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.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /LOUIS VENTRE JR/	Date 26-NOV-2010
-----------------------------	------------------

Name (Print/Typed) Louis Ventre, Jr.	Registration Number 46254
--------------------------------------	---------------------------

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 ONE forms are submitted.

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

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

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

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

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 12/096,608
Filing Date: 08-JUN-2008
Confirmation Number: 3294
Title of Invention: Device for producing
mechanical energy by means of a
divergent, telescopic and auto sustained
chimney
Inventor: Marc Raynal
Customer Number: 24221
Attorney Docket Number: raynal608

**STATEMENT OF SPECIAL
STATUS**

**Petition For The Green
Technology Pilot Program**

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

Date of Reply: 26-NOV-2010

Sir:

Applicant submits this statement of special status for the eligibility requirement of the Petition for the Green Technology Pilot Program.

Applicant's invention is a development of renewable energy resources that produces energy without reliance on fossil fuels. More specifically, it is a device to take advantage of wind energy produced by the chimney effect in air flow due to the difference in temperature at ground level from that at a distance above the ground. As with wind energy systems, applicant's invention is auto-sustained in the air and does not require costly structure of concrete or other materials to remain deployed. Applicant's invention avoids use of fossil fuels in the production of energy and thus promotes greenhouse gas reduction.

Applicant's application was published on 27-NOV-2010 (Publication No. US2008/0292456-A1) and in accordance with the requirements of the program, "a request for early publication is not warranted and need not be filed." USPTO, Answer no. 1, "Frequently Asked Questions about the Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Applicant's application contains: three or fewer independent claims, specifically one independent claim, claim 7; fewer than 20 total claims, specifically 7 claims; and no multiple dependent claims.

The application claims are directed to a single invention that materially enhances the quality of the environment and also that materially contributes to green house gas emission reduction.

If the USPTO determines that the claims in applicant's application are directed to multiple inventions (e.g., in a restriction requirement), applicant agrees to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements of the program.

This petition is being filed prior to the date of a first Office action.

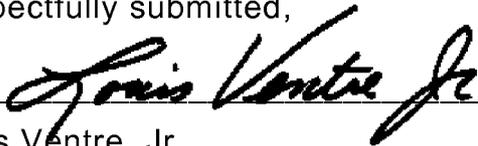
Conclusions:

This statement is submitted consistent with the requirements for participation in the Green Technology Pilot Program. Applicant believes his application qualifies for such participation.

Therefore, applicant respectfully requests that his application be accorded special status, that a timely Notice of Allowance be issued in this case, and that the application be issued as a United States Patent.

Respectfully submitted,

Signed: 26-NOV-2010

/  /

Louis Ventre, Jr.
Registration No. 46254
Registered Patent Attorney
2483 Oakton Hills Drive
Oakton, VA 22124-1530
USPTO Customer Number 24221
Telephone Number: 703-242-1247
Facsimile Number: 703-783-7800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/096,608	06/08/2008	Marc Raynal	raynal608	3294
24221	7590	11/23/2010	EXAMINER	
LOUIS VENTRE, JR 2483 OAKTON HILLS DRIVE OAKTON, VA 22124-1530			LOOK, EDWARD K	
			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			11/23/2010	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lventre@lventre.com
ventre.louis@verizon.net



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LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON VA 22124-1530

In re Application of :
RAYNAL, MARC : DECISION ON REQUEST TO
Application No. 12/096,608 : PARTICIPATE IN PATENT
Filed: June 8, 2008 : PROSECUTION HIGHWAY
Attorney Docket No. raynal608 : PILOT PROGRAM AND PETITION
For: DEVICE FOR PRODUCING MECHANICAL: TO MAKE SPECIAL UNDER
ENERGY BY MEANS OF A DIVERGENT, : 37 CFR 1.102(d)
TELESCOPIC AND AUTO SUSTAINED CHIMNEY

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 November 3, 2010 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 and #5 above.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 7-13 which are not sufficiently corresponding to allowable claims 1, 2, 4 and 5 of PCT search report. It must be noted that at least method claims 12-13 contain different scopes from the allowed claims 1, 2, 4 and 5 of PCT search report. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. Those extra claims 12-13 must be cancelled.

The International Search Report filed on June 8, 2008 does not include any positive Opinion as to the patentability of the claims 1, 2, 4 and 5. There is no international Search Opinion filed in the case. An International Search Opinion showing the patentability of claims 1, 2, 4 and 5 is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, this application is undergoing pre-examination processing.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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.
12/096,608	06/08/2008	Marc Raynal	raynal608	3294
24221	7590	12/01/2010	EXAMINER	
LOUIS VENTRE, JR 2483 OAKTON HILLS DRIVE OAKTON, VA 22124-1530			LOOK, EDWARD K	
			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			12/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lventre@lventre.com
ventre.louis@verizon.net



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LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON VA 22124-1530

In re Application of :
RAYNAL, MARC : DECISION ON PETITION
Application No. 12/096,608 : TO MAKE SPECIAL UNDER
Filed: June 8, 2008 : THE GREEN TECHNOLOGY
Attorney Docket No. raynal609 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Nov. 26, 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: raynal608	Application Number (if known): 12/096,608	Filing date: 08-JUN-2008
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First Named Inventor: Marc Raynal

Title: Device for producing mechanical energy by means of a divergent, telescopic and auto sustained chimney

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.

- 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.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /LOUIS VENTRE JR/	Date 06-DEC-2010
-----------------------------	------------------

Name (Print/Typed) Louis Ventre, Jr.	Registration Number 46254
--------------------------------------	---------------------------

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 ONE 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
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 12/096,608
Filing Date: 08-JUN-2008
Confirmation Number: 3294
Title of Invention: Device for producing
mechanical energy by means of a
divergent, telescopic and auto sustained
chimney
Inventor: Marc Raynal
Customer Number: 24221
Attorney Docket Number: raynal608

**STATEMENT OF SPECIAL
STATUS**

**Petition For The Green
Technology Pilot Program**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Submission: 06-DEC-2010

Sir:

Applicant submits this statement of special status for the eligibility requirement of the Petition for the Green Technology Pilot Program.

Applicant's invention is a development of renewable energy resources that produces energy without reliance on fossil fuels. More specifically, it is a device to take advantage of wind energy produced by the chimney effect in air flow due to the difference in temperature at ground level from that at a distance above the ground. As with wind energy systems, applicant's invention is auto-sustained in the air and does not require costly structure of concrete or other materials to remain deployed. Applicant's invention avoids use of fossil fuels in the production of energy and thus promotes greenhouse gas reduction.

Applicant's application was published on 27-NOV-2010 (Publication No. US2008/0292456-A1) and in accordance with the requirements of the program, "a request for early publication is not warranted and need not be filed." USPTO, Answer no. 1, "Frequently Asked Questions about the Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Applicant submits the requisite \$300 publication fee.

Applicant's application contains: three or fewer independent claims, specifically one independent claim, claim 7; fewer than 20 total claims, specifically 7 claims; and no multiple dependent claims.

The application claims are directed to a single invention that materially enhances the quality of the environment and also that materially contributes to green house gas emission reduction.

If the USPTO determines that the claims in applicant's application are directed to multiple inventions (e.g., in a restriction requirement), applicant agrees to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements of the program.

This petition is being filed prior to the date of a first Office action.

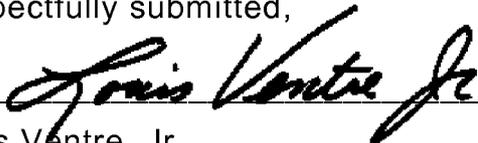
Conclusions:

This statement is submitted consistent with the requirements for participation in the Green Technology Pilot Program. Applicant believes his application qualifies for such participation.

Therefore, applicant respectfully requests that his application be accorded special status, that a timely Notice of Allowance be issued in this case, and that the application be issued as a United States Patent.

Respectfully submitted,

Signed: 06-DEC-2010

/  /

Louis Ventre, Jr.
Registration No. 46254
Registered Patent Attorney
2483 Oakton Hills Drive
Oakton, VA 22124-1530
USPTO Customer Number 24221
Telephone Number: 703-242-1247
Facsimile Number: 703-783-7800



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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.
12/096,608	06/08/2008	Marc Raynal	raynal608	3294
24221	7590	12/21/2010	EXAMINER	
LOUIS VENTRE, JR 2483 OAKTON HILLS DRIVE OAKTON, VA 22124-1530			KERSHTEYN, IGOR	
			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			12/21/2010	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):

lventre@lventre.com
ventre.louis@verizon.net



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LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON VA 22124-1530

In re Application of :
RAYNAL, MARC : DECISION ON PETITION
Application No. 12/096,608 : TO MAKE SPECIAL UNDER
Filed: June 8, 2008 : THE GREEN TECHNOLOGY
Attorney Docket No. raynal609 : PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Dec. 6, 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**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Currently, the application is undergoing pre-examination processing. Upon completion, the application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700



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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000**

**MAILED
SEP 13 2010
OFFICE OF PETITIONS**

In re Application of :
Ernst et al. :
Application No. 12/096,840 : **ON PETITION**
Filed: August 19, 2008 :
Attorney Docket No. 051235/345182 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment under 37 CFR 1.111, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 1621 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

MAILED

FEB 14 2012

PCT LEGAL ADMINISTRATION

In re Application of: FISCHER, Reiner, et al. :
U.S. Application No.: 12/096,904 : **DECISION**
PCT No.: PCT/EP2006/011912 :
International Filing Date: 11 December 2006 :
Priority Date: 13 December 2005 :
Attorney Docket No.: B229 1540US :
For: INSECTICIDAL COMPOSITIONS :
HAVING IMPROVED EFFECT :

This decision is issued in response to applicants' 08 September 2011 submission of a corrected English translation of PCT/EP2006/011912. No petition fee is required.

BACKGROUND

On 11 December 2006, applicants filed international application PCT/EP2006/011912. The application claimed a priority date of 13 December 2005, and it designated the United States. On 21 June 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., 13 June 2008.

On 10 June 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the U.S. basic national fee and a purported English translation of the international application.

On 06 October 2008, applicants submitted an executed declaration accompanied by payment of the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 14 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 06 October 2008. The Notification Of Acceptance indicated that the English translation of the international application was filed on 10 June 2008.

On 08 September 2011, applicants filed a Request For Continued Examination accompanied by, among other materials, the corrected English translation of international application PCT/EP2006/011912 considered herein.

DISCUSSION

Applicants' 08 September 2011 correspondence indicates that the purported English translation of PCT/EP2006/011912 filed on 10 June 2008 was the English translation of a different international application intended for a separate U.S. national stage application file. Applicants' submission also states that applicants "are now submitting the correct specification," and it is accompanied by a document specifically identified as "Correct Translation Of PCT/EP2006/011912."

A review of the corrected English translation filed on 08 September 2011 reveals that this translation more accurately corresponds to the published international application than the purported English translation filed on 10 June 2008. For example, as in the published international application, the final pages of the corrected English translation filed on 08 September 2011 set forth Examples A-G. Examples A-G are not present in the final pages of the purported English translation filed on 10 June 2008.

In view of the above and applicants' statement herein, the corrected English translation of the international application filed on 08 September 2011 will be accepted as the English translation of international application PCT/EP2006/011912 required under 35 U.S.C. 371(c)(2).

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 14 May 2009, which incorrectly indicated that the English translation of the international application was filed on 10 June 2008 and that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 06 October 2008, is appropriately vacated.

A corrected Notification Of Acceptance will be issued that properly identifies the filing date of the English translation of the international application and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 08 September 2011, the filing date of the correct English translation of international application PCT/EP2006/011912 required under 35 U.S.C. 371(c)(2).

CONCLUSION

Applicants' request to accept the corrected English translation of international application PCT/EP2006/011912 filed on 08 September 2011 is **GRANTED**.

Deposit Account No. 50-4254 will be charged the \$130 processing fee for filing the correct English translation later than thirty months after the priority date.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 14 May 2009, which incorrectly identified the filing date of the English translation as 10 June 2008 and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 06 October 2008, is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt that

correctly identifies the filing date of the English translation of the international application the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 08 September 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES 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 (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Koji Kuno et al :
Application No. 12/096,940 : **DECISION GRANTING PETITION**
Filed: June 11, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 46884-5639 (425193) :

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 October 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3742 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.*



28 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

SNELL & WILMER, LLP (Dial Corp)
ONE ARIZONA CENTER
400 E. VAN BUREN
PHOENIX AZ 85004-2202

In re Application of	:	
HE, et al.	:	DECISION ON PETITION
Serial No.: 12/096,947	:	
PCT No.: PCT/US2007/000523	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 09 January 2007	:	
Priority Date: 09 January 2006	:	
Atty Docket No.: 61169.1393	:	
For: DRYER DEVICE WITH END USE OF	:	
INDICATOR	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 30 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 August 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 30 September 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 04 August 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 09 January 2007 under 35 U.S.C. 363, and will be given a date of **25 June 2009** 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 inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



28 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Kieran Cornell Hamlett
1325 E. Myrna Lane
Tempe, AZ 85284

In re Application of
HE, et al.
Serial No.: 12/096,947
PCT No.: PCT/US2007/000523
Int. Filing Date: 09 January 2007
Priority Date: 09 January 2006
Atty Docket No.: 61169.1393
For: DRYER DEVICE WITH END USE OF
INDICATOR

Dear Mr. Hamlett:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. 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:
SNELL & WILMER, LLP
ONE ARIZONA CENTER
400 E. VAN BUREN
PHOENIX AZ 85004-2202



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 22,2011

In re Application of :

Eric Bernhard

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12097007

Filed : 10-Oct-2008

Attorney Docket No : 327487US41X PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 22,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2837 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	12097007
Filing Date	10-Oct-2008
First Named Inventor	Eric Bernhard
Art Unit	2837
Examiner Name	DAVID LUO
Attorney Docket Number	327487US41X PCT
Title	METHOD FOR CONTROLLING AN OPENING LEAF OF A VEHICLE WITH AN ANTI-TRAP FUNCTION

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	/Colin B. Harris/
Name	Colin B. Harris
Registration Number	58969



MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
PAJOUHESH, Hassan et al.	:	
Application No. 12/097,035	:	DECISION ON PETITION
Filed: November 21, 2008	:	TO WITHDRAW
Attorney Docket No. 381092002300	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 03, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NEUROMED PHARMACEUTICALS, LTD.**
2389 HEALTH SCIENCES MAIL, UBC
SUITE 301
VANCOUVER BC V6T 1Z4



MAILED

JAN 21 2011

PCT LEGAL ADMINISTRATION

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of	:	
HAGIYA	:	
Application No.: 12/097,057	:	
PCT No.: PCT/JP2006/325688	:	DECISION
Int. Filing Date: 19 December 2006	:	
Priority Date: 22 December 2005	:	
Attorney's Docket No.: 600630-87US	:	
For: TETRAFLUOROTOLUENE COMPOUND,	:	
METHOD FOR PRODUCING SAME AND	:	
USE THEREOF	:	

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 08 November 2010 in the United States Patent and Trademark Office (USPTO). As authorized, payment of the required \$400 petition fee will be charged to deposit account number 50-1017.

BACKGROUND

On 12 June 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS) and a preliminary amendment. The international application number keyed into EFS-Web was PCT/JP3006/325688. However, the ADS and preliminary amendment indicate the international application number as PCT/JP2006/325688.

On 27 October 2010, applicant was mailed a communication detailing the discrepancy and advising applicant to file a petition under 37 CFR 1.182 to correct the error.

On 08 November 2010, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/JP2006/325688. An examination of the originally filed papers finds that the correct international application number was listed on the Application Data Sheet filed 12 June 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the

bibliographical data filed 12 June 2008 and to permit such materials to be treated as having been directed to international application PCT/JP2006/325688.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/JP2006/325688.

This application is being forwarded to the United States Designated/Elected Office for further processing.



Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294



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.
12/097,084	12/12/2008	Frederic Dhainaut	27748US LFB 22 SC	8005
25231	7590	10/11/2011	EXAMINER	
MARSH, FISCHMANN & BREYFOGLE LLP			BELYAVSKYI, MICHAIL A	
8055 East Tufts Avenue			ART UNIT	PAPER NUMBER
Suite 450			1644	
Denver, CO 80237			NOTIFICATION DATE	DELIVERY MODE
			10/11/2011	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):

PTOMail@mflaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 11 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

In re Application of: :
Dhainaut et al. : PETITION DECISION
Serial No.: 12/097,084 :
Filed: June 12, 2008 :
Attorney Docket No.: 27748US LFB 22 SC :

This is in response to the petition under 37 CFR § 1.181, filed September 26, 2011, requesting that the final Office action of May 24, 2011 be withdrawn.

Applicants' 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. Applicant 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 May 24, 2011. 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.

George Elliott
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JUN 28 2011

OFFICE OF PETITIONS

**TELEZYGOLOGY, INC.
520 W. ERIE STREET, SUITE 100
CHICAGO IL 60654**

In re Application of :
Dickory RUDDUCK et al. : ON PETITION
Application No. 12/097,090 :
Filed: November 25, 2008 :
Atty. Docket No.: PA57-US-PCT :

This is a decision on the petition under 37 CFR 1.137(b), filed May 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed September 28, 2010, which set a shortened statutory period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned December 29, 2010. A Notice of Abandonment was mailed April 27, 2011.

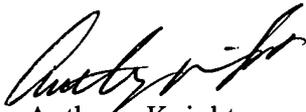
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed September 28, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as being unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on May 27, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3677 for further action on the filed Response.



Anthony Knight
Director
Office of Petitions

cc: Heather A. Kartsounes
520 W. Erie Street, Suite 100
Chicago, Il. 60654



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
AUG 15 2011
OFFICE OF PETITIONS

HAYNES AND BOONE LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

In re Application of :
Chris Wyland :
Application No. 12/097,128 : ON PETITION
Filed: June 12, 2008 :
Attorney Docket No. 2008-0003US-NXP :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 3, 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 pay the issue fee in response to the Notice of Noncompliant Amendment, mailed on September 29, 2010. This Notice set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on October 30, 2010. The Office mailed a Notice of Abandonment on June 16, 2011.

Petitioner states that he did not receive the September 29, 2010 Notice. In support thereof, petitioner has included a copy of a docket record for the instant application, along with supporting affidavits.

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.

Here, petitioner has not submitted a copy of a master docket report showing all of the firm's replies docketed for a due date of October 29, 2010. On renewed petition, petitioner should submit a copy of a master docket report, or if none exists, state such for the 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 FAX: (571) 273-8300
 Attn: Office of Petitions

¹ MPEP 711.03(c).

Application No. 12/097,128

Page 3

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized and cursive.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HAYNES AND BOONE LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Chris Wyland :
Application No. 12/097,128 : ON PETITION
Filed: June 12, 2008 :
Attorney Docket No. 2008-0003US-NXP :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 17, 2011.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Noncompliant Amendment, mailed on September 29, 2010. This Notice set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on October 30, 2010. The Office mailed a Notice of Abandonment on June 16, 2011. Applicant filed a petition to withdraw the holding of abandonment on August 3, 2011, asserting that he never received the Notice of Non-Compliant Amendment. However, the petition was dismissed in a decision mailed on August 15, 2011.

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.

Here, petitioner has submitted a copy of a master docket report showing all of the firm's replies docketed for a due date of October 29, 2010. An entry for the instant application does not appear, supporting the conclusion that the Notice of Non-Compliant Amendment was not received.

The application is being forwarded to Group Art Unit 2817 for consideration of applicant's "RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT", filed August 3, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ MPEP 711.03(c).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 30,2011

In re Application of :

Chandra Singh

Application No : 12097157

Filed : 26-Nov-2008

Attorney Docket No : TLI106

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 30,2011

The request is **APPROVED**.

The request was signed by John M. Hammond (registration no. 52986) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Customer Number 46488 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 Chandra U.
Name2 Singh
Address 1 100 N.E. Loop 410
Address 2 Suite 1090
City San Antonio
State TX
Postal Code 78216
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	12097157	
Filing Date	26-Nov-2008	
First Named Inventor	Chandra Singh	
Art Unit	1628	
Examiner Name	SHIRLEY GEMBEH	
Attorney Docket Number	TLI106	
Title	Method to Treat Premature Ejaculation in Humans	
<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:		46488
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	Chandra U. Singh	
Address	100 N.E. Loop 410 Suite 1090	
City	San Antonio	
State	TX	
Postal Code	78216	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986



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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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

SEP 28 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Zimmerman et al. :
Application No. 12/097,181 :
Filed: 12 June, 2008 :
Attorney Docket No. H01.2-13985-US01 :

This is a decision on the petition filed on 18 August, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Application No. 12/097,181

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

The instant application is released to Technology Center/AU 3744 for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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 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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WILEY REIN LLP
1776 K. STREET N.W.
WASHINGTON, DC 20006

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Vagner Rogerio Dos Santos, et al.	:	
Application No. 12/097,196	:	DECISION ON PETITION
Filed: June 12, 2008	:	TO WITHDRAW
Attorney Docket No. 83847.0001	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 19, 2012.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Wiley Rein, LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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). A review of the record shows that there was no power of attorney filed in this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DEPARTMENT OF BIOCHEMISTRY
UNIVERSIDADE FEDERAL DE SAO PAULO
UNIFESP/ESCOLA PAULISTA DE
RUA BOTUCATU
740 VILA CLEMENTINO
SAO PAULO, SAO PAULO, SP 05508-900
BRAZIL



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United States Patent and Trademark Office
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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Shunsuke Kakisaka, et al. :
Application No. 12/097,209 : DECISION GRANTING PETITION
Filed: June 12, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10478-3100 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 17, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2879 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.*

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	12097258	
Filing Date	21-Jan-2009	
First Named Inventor	Marc Barry Brown	
Art Unit	1628	
Examiner Name	KATHRIEN CRUZ	
Attorney Docket Number	041376-1601	
Title	THERAPEUTIC COMPOSITIONS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30542
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	PEPLIN RESEARCH PTY LIMITED	
Address	1 BREAKFAST CREEK ROAD NEWSTEAD	
City	QUEENSLAND	
State		
Postal Code	4006	
Country	AU	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Kuhlmann, Anthony/
Name	Kuhlmann, Anthony
Registration Number	57147



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 : November 30, 2011

In re Application of :

Marc Barry Brown

Application No : 12097258

Filed : 21-Jan-2009

Attorney Docket No : 041376-1601

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 30, 2011

The request is **APPROVED**.

The request was signed by Kuhlmann, Anthony (registration no. 57147) on behalf of all attorneys/agents associated with Customer Number 30542. All attorneys/agents associated with Customer Number 30542 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name PEPLIN RESEARCH PTY LIMITED
Name2
Address 1 1 BREAKFAST CREEK ROAD NEWSTEAD
Address 2
City QUEENSLAND
State
Postal Code 4006
Country AU

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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P.O. Box 1450
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**YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314**

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Quertelet et al.	:	DECISION ON PETITION
Application No. 12/097,262	:	TO WITHDRAW
Filed: November 5, 2008	:	FROM RECORD
Attorney Docket No. 0598-1020	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on February 11, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LIAM MCDOWELL
1061 DALEBROOK DRIVE
ALEXANDRIA, VA 22308



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Claes Inge et al.	:	
Application No. 12/097,423	:	DECISION ON PETITION
Filed: March 20, 2009	:	TO WITHDRAW
Attorney Docket No. 1876.111US1	:	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 7, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

According to the records of the assignment branch an assignment was recorded on July 7, 2009. Upon the filing of a renewed request, a proper request will include a copy of the actual assignment or a statement under 37 CFR 3.73(b).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

JAN 27 2012

OFFICE OF PETITIONS

In re Application of :
Fay Chen Fitch :
Application No. 12/097,423 :
Filed: September 2, 2009 :
Attorney Docket No. EPL-FF-2009-01 :

**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 17, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert B. Madden on behalf of all attorneys/agents associated with customer number 21186. All attorneys/agents associated with customer number 21186 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: 3nine AB
P.O. Box 1163,
SE-131 27 Nacka Strand
Stockholm, Sweden



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/097,423	03/20/2009	Claes Inge	1876.111US1

CONFIRMATION NO. 1545

POWER OF ATTORNEY NOTICE

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402



Date Mailed: 01/25/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/17/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of :
Kleindienst, Oliver : DECISION ON PETITION
Application No. 12/097,440 : TO WITHDRAW
Filed: October 20, 2008 : FROM RECORD
Attorney Docket No. 2006982-0009 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, a request to withdraw cannot be approved without providing the appropriate Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions



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P.O. Box 1450

MAILED
JAN 18 2012
OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of : DECISION ON REQUEST TO
Norbert HORT et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/097,461 : AND PETITION TO MAKE SPECIAL
Filed: November 24, 2009 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 30572/43638
For: BIOCOMPATIBLE MAGNESIUM MATERIAL

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 2011, to make the above-identified application special.

The request is **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, 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;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) through (5), and (7) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit an English translation of the latest international work product from the PCT application.

Applicant is given **ONE** opportunity with 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.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Application of : DECISION ON REQUEST TO
Norbert HORT et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/097,461 : AND PETITION TO MAKE SPECIAL
Filed: November 24, 2009 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 30572/43638
For: **BIOCOMPATIBLE MAGNESIUM MATERIAL**

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, 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;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to Technology Center Art Unit 3775 for action commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-04-11

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/097616 Patent No.: 7960544

CofC mailroom date: 07-18-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

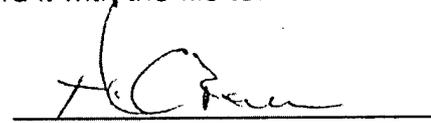
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

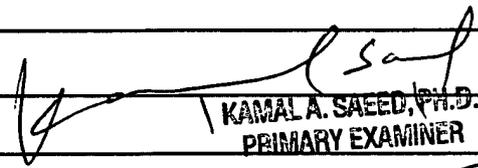
Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <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: _____


KAMAL A. SAAD, PH.D.
PRIMARY EXAMINER
acting on behalf of Joseph Makani.

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-04-11

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/097616 Patent No.: 7960544

CofC mailroom date: 07-18-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

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: Error in spelling of inventor Regina Lundrigan's name was not an error made by the Office as the oath executed on March 3, 2009 reflects the same spelling as printed on the patent. All changes to the claims apply.

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.
12/097,764	06/17/2008	Ronaldus Maria Aarts	002639 US1	3266

24737 7590 12/12/2011
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LAVERT, NICOLE F

ART UNIT	PAPER NUMBER
3762	

NOTIFICATION DATE	DELIVERY MODE
12/12/2011	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):

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com



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www.uspto.gov

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:

AARTS, RONALDUS MARIA

Serial No.: 12/097,764

Filed: June 17, 2008

Docket: 002639 US1

Title: MONITORING APPARATUS FOR
MONITORING A USER'S HEART RATE
AND/OR HEART RATE VARIATION;
WRISTWATCH COMPRISING SUCH A
MONITORING APPARATUS

DECISION ON PETITION
FOR REVIEW OF
RESTRICTION
REQUIREMENT

This is a decision on the petition filed on Oct. 3, 2011 by which petitioner requests withdrawal of restriction requirement and examination of all pending claims. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **DISMISSED AS PREMATURE.**

The record shows that:

- 1) In response to the non-final Office action of February 15, 2011, the applicant filed a Rule 111 amendment on May 16, 2011 adding additional new claims 22-28.
- 2) On August 3, 2011, the examiner issued a final rejection on claims 1, 2, 4-7, 10-11, 13, 15-16 and 18-23 and withdrew consideration on newly added claims 24-28 due to a constructive election. In the restriction requirement of August 3, 2011, the examiner identified two Groups of patentable distinct or independent inventions.
- 3) Concurrently filing with the Rule 116 Amendment, on October 3, 2011, the present petition to review the restriction requirement of August 3, 2011.

Discussion and Analysis

A review of the record reveals that on August 3, 2011, the examiner issued a restriction requirement. The examiner identified two Groups of patentable and distinct or independent inventions. However, the current petition was filed concurrently with the traversal of the restriction requirement in the Rule 116 Amendment on October 3, 2011. The examiner does not

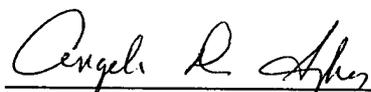
have an opportunity to reconsider the applicant's traversal. The restriction was not made final. The examiner does not have an opportunity to reconsider the restriction requirement. The current petition could not have included any rebuttal arguments to the examiner's reasons on maintaining of the restriction. It is noted that as of this date, the examiner did not repeat the restriction requirement of August 3, 2011. Therefore, the petition is hereby dismissed as premature in accordance with 37 CFR 1.181(c)¹ and 37 CFR 1.144.

Conclusion

For the reasons outlined above, petitioner's request to withdraw the restriction requirement of August 3, 2011 is dismissed as premature.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3762 for preparation of an Office action in response to the Rule 116 Amendment filed on October 3, 2011. The examiner is requested and urged to fully consider and answer all applicant's arguments regarding the applicant's traversal of the restriction requirement. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED AS PREMATURE.



Angela D. Sykes, Director
Technology Center 3700

¹ 37 CFR 1.181(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/02/10

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 12097861 Patent No.: 7808224

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: _____

Monica Lewis
SPE

2838
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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WRB-IP LLP
801 N. Pitt Street
Suite 123
ALEXANDRIA VA 22314

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of :
Bo Vigholm, et al. :
Application No. 12/097,917 : **DECISION GRANTING PETITION**
Filed: June 18, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 000009-262 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 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 on December 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3745 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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Alexandria, VA 22313-1450
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KING & SPALDING, LLP
401 CONGRESS AVENUE
SUITE 3200
AUSTIN, TX 78701

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Vemund Karstad, et al. :
Application No. 12/097,986 : DECISION GRANTING PETITION
Filed: September 25, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03869.105699 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 8, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries 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 3672 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,010	04/04/2008	William H. Eby	1421-337	1390
32905	7590	02/25/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 24 2011

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: :
William H. Eby : PETITION DECISION
Serial No.: 12/098,010 :
Filed: April 4, 2008 :
Attorney Docket No.: 1421-337 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 18, 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 May 21, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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FEB 09 2011

PCT LEGAL ADMINISTRATION

CAMORIANO & ASSOCIATES
8225 SHELBYVILLE ROAD
LOUISVILLE KY 40222

In re Application of:	:	
SCHEKER, Luis, Roman	:	DECISION ON PETITION
U.S. Application No.: 12/098,034	:	(37 CFR 1.78(a)(3) and (a)(6))
Filing Date: April 04, 2008	:	
Attorney's Docket No.: SAL.105PCTUS	:	
For: WRIST PROSTHESIS	:	

This is a decision on the "Petition to Accept Unintentionally Delayed Claim of Priority or Alternatively to Recognize that Priority Claim Was Properly Made in a Timely Manner" filed November 12, 2010. The petition seeks acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed international application PCT/US2006/039468, U.S. non-provisional application 11/306,311, and U.S. provisional application 60/726,113.

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

1. The Application As Filed Did Not Include A Proper Benefit Claim

Applicant argues that the petition is unnecessary because the benefit claims at issue were timely set forth in the application papers as filed, specifically in the application data sheet (ADS) and in the first paragraph of the specification. With respect to the claims directed to the prior-filed international and the non-provisional applications, 37 CFR 1.78(a)(2)(i) requires that such claims state "the relationship of the applications." As set forth in MPEP section 201.11(III)(A) (emphasis added):

The relationship between the applications is whether the instant application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. An example of a proper benefit claim is "this application is a continuation of prior Application No. ---, filed ---." A benefit claim that merely states that "this application claims the benefit of Application No. ---, filed ---" does not comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), since the relationship between the applications is not stated.

Pursuant to the above, the references to the international and the non-provisional applications contained in the original application materials filed here, which state only that the present application "claims priority from" the prior-filed applications, fail to comply with 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) and are therefore unacceptable as filed.

The claim to the prior-filed provisional application contained in the original application materials is also defective because the claim states that the present application, which was filed

more than twelve months after the provisional application, claims priority directly to the provisional application, rather than through a prior-filed intermediate application. As discussed in detail below, an application can only directly claim the benefit of a provisional application filed less than twelve months prior. See 35 U.S.C. 119(e)(1).

In view of the above, applicant's request that the Office recognize the timely submission of the desired benefit claims herein is appropriately rejected.

2. Petition Under 37 CFR 1.78(a)(3) and (a)(6)

A petition under 37 CFR 1.78(a)(3) for acceptance of an unintentionally delayed benefit claim directed to a prior-filed international application and/or a prior-filed U.S. non-provisional application is appropriate where, as here, the later-filed application was filed on or after November 29, 2000 and an acceptable benefit claim directed to the prior-filed application(s) was not submitted until after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii).

Similarly, a petition under 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed benefit claim directed to prior-filed U.S. provisional application is appropriate where, as here, the later-filed application was filed on or after November 29, 2000 and an acceptable benefit claim directed to the prior-filed provisional application was submitted after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii).

A grantable petition under 37 CFR 1.78(a)(3) and (a)(6) must be accompanied by:

- (1) the reference 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 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 present petition fails to comply with item (1) above.

The amendment filed with the present petition includes acceptable revised references identifying the present application as "a continuation of PCT/US2006/039468, filed October 10, 2006" and a "continuation-in-part of U.S. Patent Application S.N. 11/306,311, filed December 22, 2005." However, the amendment's reference to prior-filed provisional application 60/726,113 remains defective because it again indicates that the present application is claiming priority directly to the provisional application, which was filed more than twelve months prior to the present application, rather than claiming such benefit through an intermediate application.

The requirements for an acceptable benefit claim to a provisional application filed more than twelve months prior to the later-filed application are set forth in MPEP section 201.11(III)(C) as follows (emphasis added):

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, **if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper.** Applicant must state, for example, "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 ---." **A benefit claim that merely states "this application claims the benefit of nonprovisional Application Nos. C and B, and provisional Application No. A" would be improper.** Where the benefit of more than one provisional application is being claimed, the intermediate nonprovisional application(s) claiming the benefit of each provisional application must be indicated. Applicant must state, for example, "this application is continuation of Application No. D, filed ---, which is a continuation-in-part of Application No. C, filed ---, Application No. D claims the benefit of provisional Application No. B, filed ---, and Application No. C claims the benefit of provisional Application No. A, filed ---." **If a benefit claim to a provisional application is submitted without an indication that an intermediate application directly claims the benefit of the provisional application and the instant nonprovisional application is not filed within the 12 month period or the relationship between each nonprovisional application is not indicated, the Office will not recognize such benefit claim and will not include the benefit claim on the filing receipt.** Therefore, a petition under 37 CFR 1.78(a) and the surcharge set forth in 37 CFR 1.17(t) will be required if the intermediate application and the relationship of each nonprovisional application are not indicated within the period set forth in 37 CFR 1.78(a).

Before the petition under 37 CFR 1.78(a)(3) and (a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and (a)(6) and a substitute amendment¹ or supplemental ADS (37 CFR 1.76) is required. The substitute amendment or supplemental ADS must properly set forth the relationship of the present application to the prior-filed applications and clearly indicate that the claim directed to the provisional application is made through the intermediate international 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

¹ Note 37 CFR 1.121

Application No. 10/692,274

4

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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Commissioner for Patents
United States Patent and Trademark Office
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MAILED

APR 18 2011

CAMORIANO & ASSOCIATES
8225 SHELBYVILLE ROAD
LOUISVILLE KY 40222

PCT LEGAL ADMINISTRATION

In re Application of:	:	
SCHEKER, Luis, Roman	:	DECISION ON RENEWED
U.S. Application No.: 12/098,034	:	PETITION UNDER
Filing Date: April 04, 2008	:	37 CFR 1.78(a)(3) and (a)(6)
Attorney's Docket No.: SAL.105PCTUS	:	
For: WRIST PROSTHESIS	:	

This decision is issued in response to the "Renewed Petition under 37 CFR 1.78(a)(3) to Accept Unintentionally Delayed Claim Of Priority" filed February 16, 2011. No additional petition fee is required.

BACKGROUND

In a decision mailed on February 09, 2011, applicant's petition under 37 CFR 1.78(a)(3) and (a)(6) was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, the decision found that applicant had not submitted the required reference to the prior-filed applications in an acceptable form.

On February 16, 2011, applicant filed a Request for Continued Examination (RCE) Transmittal (Form PTO/SB/30) accompanied by, among other materials, the renewed petition considered herein.

DISCUSSION

The renewed petition was accompanied by a revised amendment to the first sentence of the specification. The revised amendment sets forth the relationships between the present application and the prior-filed international, non-provisional, and provisional applications in an acceptable form, making clear that the present application claims priority to prior-filed provisional application 60/726,113 through the intermediate international application, PCT/US2006/039468. Specifically, the amendment identifies the present application as "a continuation of PCT/US2006/039468, filed October 10, 2006, which claims priority from U.S. Provisional Application S/N 60/726,113 filed October 13 2005 and is a continuation-in-part of U.S. Patent Application S.N. 11/306,311, filed December 22, 2005."

The revised amendment filed on February 16, 2011 satisfies the final outstanding requirement of a grantable petition under 37 CFR 1.78(a)(3) and (a)(6) to add benefit claims directed to the three prior-filed applications identified therein. The petition is therefore appropriately granted.

CONCLUSION

Based on the above, the renewed petition under 37 CFR 1.78(a)(3) and (a)(6) to add the unintentionally delayed claims of benefit to international application PCT/US2006/039468, U.S. provisional application 60/726,113, and U.S. non-provisional application 11/306,311, 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 (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) and (a)(5) 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, which includes the priority claims to the prior-filed international, provisional, and non-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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/02/10

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 12098069 Patent No.: 7705922

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**

For more information, please call SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The Request for Certificate of Correction to correct the spelling of the inventor's name. No new matter has been added.

/UYEN-CHAU N. LE/

SPE

Unit

2874

Art

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



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MCCARTER & ENGLISH LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Andrea Savarino et al :
Application No. 12/098,094 : **ON PETITION**
Filed: April 4, 2008 :
Attorney Docket No. 97728.00337 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 27, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 28, 2011.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1648 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PO BOX 37428
RALEIGH NC 27627

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Takao Iwasa et al. :
Application No. 12/098,171 : **DECISION ON PETITION**
Filed: April 4, 2008 :
Attorney Docket No. 5576-182DV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed June 8, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 9, 2010. A Notice of Abandonment was mailed on January 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 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 2834 for appropriate action by the Examiner in the normal course of business on the reply received January 10, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
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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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

JAN 27 2012

OFFICE OF PETITIONS

In re Patent No. 8,062,811 :
Issue Date: November 22, 2011 :
Application No. 12/098,182 : **DECISION ON PETITION**
Filed: April 4, 2008 :
Attorney Docket No. 4462BBOT-25 :

This is a decision on the Request For Certificate of Correction Of Patent For Applicant's Mistake Pursuant To 37 CFR §1.323, filed January 5, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was Applicant's mistake. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"BEIJING BOE OPTOELECTRONICS"

to:

--BEIJING BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.--

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. 8,062,811
Application No. 12/098,182
Decision on Petition under 37 CFR §3.81(b)

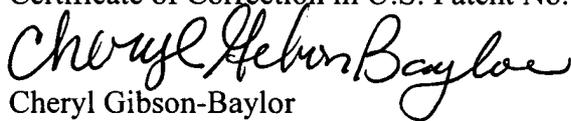
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,062,811.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF
JOHN K. PIKE, PLLC
2121 EISENHOWER AVENUE, SUITE 200
ALEXANDRIA VA 22314

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Bucala, et al. :
Application No. 12/098,220 : **DECISION**
Filed/Deposited: 4 April, 2008 :
Attorney Docket No. 9511-088 DIV 2 :

This is a decision on the petition filed on 25 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

The address on the petition is other than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

A courtesy copy of this decision 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 seems to have submitted a request and fee for extension of time after expiration of the statutory period for reply—a practice that is inappropriate. The fee has been refunded via deposit account. Should Petitioner later find that the fee was not refunded, Petitioner should make a request of the Office of Finance and include therewith a copy of this decision.

The petition pursuant to 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision or any petition in the alternative is to be filed **within two (2) months** from the mail date of this decision. The request for reconsideration should include a cover letter and be entitled as a “Renewed Petition under 37 C.F.R. §1.137(b).”

Application No. 12/098,220

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have addressed properly the requirements under the rule. Any deficiencies must be overcome.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 22 December, 2010, with reply due absent extension of time on or before 22 March, 2011.

The application went abandoned after midnight 22 March, 2011.

The Office mailed a Notice of Abandonment on 5 July, 2011.

On 25 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay, an in appropriate request and fee for extension of time (addressed above) and a suggestion that Petitioner might intend to file a continuation or request for continuing examination (RCE), however, no evidence/showing of such a required reply was provided and a search Office records as of this writing did not reveal such a reply. Thus, Petitioner failed to satisfy the requirements a grantable petition pursuant to 37 C.F.R. §1.137(b), to wit: petition, fee, a proper reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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

Application No. 12/098,220

of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

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. §1.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/098,220

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied the requirements under the rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II) as to a petition pursuant to 37 C.F.R. §1.137.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) 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

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Application No. 12/098,220

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC
ANNETTE S. PARENT
MORGAN LEWIS BOCKIUS LLP
ONE MARKET/SPEAR STREET TOWER
SAN FRANCISCO, CA 94105-1126

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF
JOHN K. PIKE, PLLC
2121 EISENHOWER AVENUE, SUITE 200
ALEXANDRIA VA 22314

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Bucala, et al. :
Application No. 12/098,220 : **DECISION**
Filed/Deposited: 4 April, 2008 :
Attorney Docket No. 9511-088 DIV 2 :

This is a decision on the petition filed on 18 October, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

For the second time the Office notes for Petitioner that the address on the petition is other than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

A courtesy copy of this decision 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.

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 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) as to a petition pursuant to 37 C.F.R. §1.137.

Application No. 12/098,220

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 22 December, 2010, with reply due absent extension of time on or before 22 March, 2011.

The application went abandoned after midnight 22 March, 2011.

The Office mailed a Notice of Abandonment on 5 July, 2011.

On 25 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay, an in appropriate request and fee for extension of time (addressed above) and a suggestion that Petitioner might intend to file a continuation or request for continuing examination (RCE), however, no evidence/showing of such a required reply was provided and a search Office records did not reveal such a reply. Thus, Petitioner failed to satisfy the requirements a grantable petition pursuant to 37 C.F.R. §1.137(b), to wit: petition, fee, a proper reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. The petition was dismissed on 18 August, 2011.

On 18 October, 2011, Petitioner re-advanced the petition, this time providing a petition, fee, reply in the form of a continuing application, with a showing of the filing of that application (No. 13/160,265), and an explanation of the facts in support of the statement of unintentional delay.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(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

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/098,220

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** for the purposes of continuity and abandoned thereafter

The instant application is released to the Technology Center/AU 1647 for such processing as required for continuity 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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC
ANNETTE S. PARENT
MORGAN LEWIS BOCKIUS LLP
ONE MARKET/SPEAR STREET TOWER
SAN FRANCISCO, CA 94105-1126

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of
METZGER, Elizabeth A. et al.
Application No. 12/098,300
Filed: April 04, 2008
Attorney Docket No. **016249-0172**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 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.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SILGAN CONTAINERS LLC**
21800 OXNARD STREET, SUITE 600
WOODLAND HILLS, CA 91367



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kirk William Hermann, Attorney
150 Cerro Vista Way
Anaheim CA 92807

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
SANGUINETTI, Dave T. et al.	:	
Application No. 12/098,439	:	DECISION ON PETITION
Filed: April 06, 2008	:	TO WITHDRAW
Attorney Docket No. CRAZE-006	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Kirk Hermann, the sole attorney of record. Kirk Hermann has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Dave Sanguinetti at the address indicated below. There is an outstanding Office action mailed March 25, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **DAVE SANGUINETTI**
10309 PACIFIC CENTER COURT
SANDIEGO CA 92121



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Mou-Shiung Lin :
Application Number: 12/098,465 : DECISION ON PETITION
Filing or 371(c) Date: 04/07/2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: 085027-0359 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on May 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently-filed amendment and Application Data Sheet (ADS).

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Technology Center Art Unit 2822 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Table with 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: 12/098,465, 04/07/2008, 2822, 2538, 085027-0359, 20, 2

CONFIRMATION NO. 2421

CORRECTED FILING RECEIPT



89518
McDermott Will & Emery LLP
600 13th Street, NW
Washington, DC 20005-3096

Date Mailed: 06/23/2011

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)

Mou-Shiung Lin, Hsin-Chu, TAIWAN;

Assignment For Published Patent Application

MEGICA CORPORATION, Hsinchu, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 89518

Domestic Priority data as claimed by applicant

This application is a CON of 11/181,175 07/14/2005 PAT 7,372,162
which is a DIV of 09/961,767 09/21/2001 PAT 6,939,747
which is a CIP of 09/246,303 02/08/1999 PAT 6,356,958

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: 04/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/098,465

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MULTIPLE SELECTABLE FUNCTION INTEGRATED CIRCUIT MODULE

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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OCT 03rd 2011

OFFICE OF PETITIONS

**BINGHAM MCCUTCHEN LLP
2020 K STREET, N.W.
INTELLECTUAL PROPERTY
DEPARTMENT
WASHINGTON DC 20006**

In re Application of :
LI, et al : **DECISION ON PETITION**
Application No12/098,540 :
Filed: April 7, 2008 :
Attorney Docket No. 7307602001 :

This decision is in response to the petition under 37 CFR 1.137(b) to revive the above-identified application and a petition under 37 CFR 1.47(b) refusal of inventors to sign the oath or declaration, both petitions were filed August 24, 2011. The petitions will be treated as a request under 37 CFR 1.183 to waive 37 CFR 1.63.

The petition under 37 CFR 1.183 is **GRANTED**.

PETITION UNDER 37 CFR 1.137(b)

The application became abandoned for failure to timely file a substitute oath or declaration on or before September 1, 2010, as required by the Notice of Allowability, mailed June 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 2, 2010. A Notice of Abandonment was mailed September 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of a grantable petition to waive 37 CFR 1.63, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The petition fee under 37 CFR 1.183 to waiver 37 CFR 1.63, has been charged to Deposit Account 50-4047, as authorized.

Telephone inquiries should be directed to Diane Goodwyn at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.



Thurman K. Page
Petitions Examiner
Office of Petitions



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Patent No. : 7833292
Ser. No. 12/098593
Inventor(s) : BRENNEMAN, KEITH R.
Issued : 11/16/2010
Title : CHANNEL METHOD FOR FORMING A CAPACITOR
Docket No. : 41014-09

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

JOSEPH GUY
NEXSEN PRUET, LLC
20 Westbridge Drive
Hendersonville, NC 28739

OL



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NEXSEN PRUET, LLC
P.O. BOX 10648
GREENVILLE SC 29603

MAILED
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OFFICE OF PETITIONS

In re Patent No. 7,833,292

Issue Date: November 16, 2010

Application No. 12/098,593

Filed: April 7, 2008

Attorney Docket No. 41014-09

ON PETITION

This is a decision on the petition filed March 10, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Deposit account 08-0719 will be charged \$130.00 for the required fee.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction filed January 26, 2011.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ See *Official Gazette* of June 22, 2004.



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**BABCOCK & WILCOX
POWER GENERATION GROUP, INC.
PATENT DEPARTMENT
20 SOUTH VAN BUREN AVENUE
BARBERTON OH 44203**

**MAILED
DEC 20 2010
OFFICE OF PETITIONS**

In re Application of :
William DOWNS, et al :
Application No. 12/098,623 : **ON PETITION**
Filed: April 7, 2008 :
Attorney Docket No. 7136 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 20, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 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 an Amendment; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has determined that the Amendment filed with the petition on November 3, 2010, places the application in condition for allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1734 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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ZIES, WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE
SUITE 201
MELBOURNE, FL 32904

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
John P. Sessa, et al.
Application No. 12/098,632
Filed: April 7, 2008
Attorney Docket No. 38.3598

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 February 17, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest, who properly became

of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ANDREA HAA
THE HOGAN LAW FIRM
20 SOUTH BROAD STREET
BROOKSVILLE, FL 34601



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Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis MN 55402

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MAR 11 2011

OFFICE OF PETITIONS

In re Application of :
SWEENEY et al. :
Application No. 12/098,644 : DECISION ON PETITION
Filed: 04/07/2008 :
Attorney Docket No. 279.740US2 :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed February 7, 2011, to withdraw the holding of abandonment in the above-identified application.

On April 5, 2010, the Office mailed a Restriction Requirement, which set a shortened statutory period for reply of one month or thirty days, whichever was longer, from the mailing date of the communication. In the apparent absence of a timely filed response, the Office held the application abandoned on May 6, 2010. On December 8, 2010, the Office mailed a Notice of Abandonment.

A review of the record reveals that petitioner filed a timely reply to the Restriction Requirement on May 5, 2010; however, the reply was inadvertently uploaded into Application No. 10/909,926. The reply was located in the file of Application No. 10/909,926 and was transferred to the correct application, No. 12/098,644. Therefore, the USPTO received the reply on May 5, 2010, but it was not timely matched with the file due to the filing in the incorrect application.

Under current Office procedure, if a paper contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The holding of abandonment is hereby withdrawn and the application is restored to pending status.

The matter is being referred to Technology Center Art Unit 3735.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "C. T. Donnell". The signature is written in a cursive style with a large, looped "D" at the end.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of :
Christopher S. Barge :
Application No. 12/098,647 : DECISION GRANTING PETITION
Filed: April 7, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 30746/42482A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 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 October 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3652 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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SCHWEGMAN LUNDBERG & WOESSNER / USAA
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JUN 27 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Reynaldo Medina III et al :
Application No. 12/098,667 :
Filed: April 7, 2008 :
Attorney Docket No. US-0451.03/2244.392US1 :

This is a decision on the petition, filed June 27, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 20, 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 3693 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).

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12098694
Filing Date	07-Apr-2008
First Named Inventor	Yaowei Kang
Art Unit	1616
Examiner Name	MEI PING CHUI
Attorney Docket Number	11185.200-US
Title	METHODS OF CONTROLLING ALGAE WITH THAXTOMIN AND THAXTOMIN COMPOSITIONS

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Thomas C. Sova, IV, Reg. # 59331/
Name	Thomas C. Sova, IV.
Registration Number	59331



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 22,2011

In re Application of :

Yaowei Kang

Application No : 12098694

Filed : 07-Apr-2008

Attorney Docket No : 11185.200-US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 22,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
1650 TYSON BOULEVARD
SUITE 400
MCLEAN, VA 22102

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of
Shanti A. Cavanaugh
Application No. 12/098,721
Filed: April 7, 2008
Attorney Docket No. 595242000220

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 18, 2011.

The request is **APPROVED**.

The request was signed by Alex Chartove on behalf of all the practitioners of record and the practitioners associated with Customer Number 25227.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Xtellus Inc. at the below address.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Xtellus Inc.
Caswell Office
Towcester
Northamptonshire NN12 8EQ United Kingdom



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
12/098,721	04/07/2008	Shanti A. Cavanaugh	595242000220

CONFIRMATION NO. 2941

POWER OF ATTORNEY NOTICE



25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 04/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/098,721	04/07/2008	Shanti A. Cavanaugh	595242000220

CONFIRMATION NO. 2941

POA ACCEPTANCE LETTER



Xtellus Inc.
Caswell Office
Towcester
Northamptonshire, NN12 8EQ
UNITED KINGDOM

Date Mailed: 04/18/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/18/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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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FASTH LAW OFFICES (ROLF FASTH)
26 PINECREST PLAZA, SUITE 2
SOUTHERN PINES NC 28387-4301

MAILED

SEP 14 2010

In re Application of : OFFICE OF PETITIONS
Ioannis Chronopoulos :
Application No. 12/098,733 : DECISION ON PETITION
Filed: April 7, 2008 :
Attorney Docket No. 513.1382PAT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 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 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2010. Accordingly, the date of abandonment of this application is June 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,769	04/07/2008	Taiya Hirayama	01306.148861.	3020

5514 7590 08/27/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

LABOMBARD, RUTH NAOMI

ART UNIT PAPER NUMBER

2852

MAIL DATE DELIVERY MODE

08/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of **HIRAYAMA et al** : **DECISION ON REQUEST TO**
Application No.: 12/098,769 : **PARTICIPATE IN THE PATENT**
Filed: 07 April 2008 : **PROSECUTION HIGHWAY**
Attorney Docket No.: 01306.148861. : **PROGRAM AND PETITION**
For: **IMAGE HEATING APPARATUS** : **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 24 June 2010 and renewed 09 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
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;
3. Applicant must:
- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - 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 request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young
TQAS
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

MAILED
AUG 18 2010
OFFICE OF PETITIONS

In re Application of :
James Dury : DECISION ON PETITION
Application No. 12/098,829 : TO WITHDRAW
Filed: April 7, 2008 : FROM RECORD
Attorney Docket No. VTX0355-US :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on June 30, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/098,888	04/07/2008	Dennis L. Schultze	1423-110	3236
32905	7590	02/25/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 25 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Dennis L. Schultze :
Serial No.: 12/098,888 : PETITION DECISION
Filed: April 7, 2008 :
Attorney Docket No.: 1423-110 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 18, 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 May 19, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NUGENT & SMITH, LLP
91 FOREST BOULEVARD, SUITE 100
ARDSLEY NY 10502

In re Application of
COLBURN, MATTHEW EARL et al. :
Application No.: 12/098,895 :
Filing or 371(c) Date: April 7, 2008 :
Attorney Docket Number: YOR920050103US2-DIV :

APR 19 2011

DECISION ON
PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on March 14, 2011.

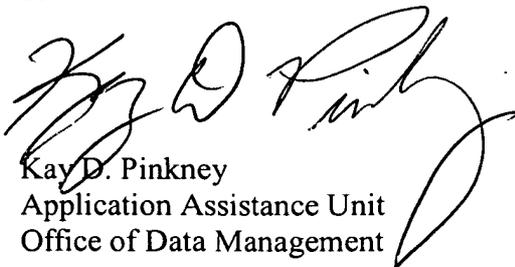
This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed October 1, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on January 14, 2011.

Petitioner states that the issue fee transmittal and payment were timely mailed to USPTO on January 3, 2011. Petitioner is in compliance with 37 CFR 1.8(b) in that (1) the United States Patent and Trademark Office was promptly informed of the previous timely mailing, (2) a copy of the previously mailed correspondence with certificate of mailing thereon has been submitted, and (3) included a statement which attests to the previous timely mailing.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.


Kay D. Pinkney
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

MAILED

MAR 31 2011

OFFICE OF PETITIONS

In re Application of :
Dennis L. **SCHULTZE et al** :
Application No. 12/098,915 : **RESPONSE TO PETITION**
Filed: April 7, 2008 :
Attorney Docket No. 1423-111 :

This is a response to the petition under 37 CFR 1.59(b), filed December 2, 2010, to expunge information from the above identified application.

The petition is **DISMISSED**.

Petitioner request the expungement of information filed on December 2, 2010 in the above identified application. Petitioner indicates that the information is a trade secret and was submitted in response to an examiner's Requirement for Information under 37 CFR 1.105.

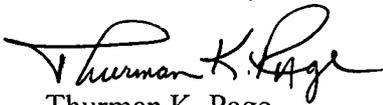
However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37

CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.



Thurman K. Page
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.
12/098,915	04/07/2008	Dennis L. Schultze	1423-111	3287
32905	7590	06/08/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			ZHENG, LI	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			06/08/2011	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):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN 08 2011

JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze :
Serial No.: 12/098,915 : PETITION DECISION
Filed: April 7, 2008 :
Attorney Docket No.: 1423-111 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed June 3, 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 December 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



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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**HONEYWELL/JETTER & ASSOC.
PATENT SERVICES
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245**

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of :
James ADAM :
Application No. 12/098,920 : **DECISION ON PETITION**
Filed: April 7, 2008 :
Attorney Docket No H0017323-0104 :

This is a decision on the petition, filed April 21, 2010, under 37 CFR 1.59(b), requesting the expungement of documents. The petition will be treated under 37 CFR 1.181(a) requesting removal of unrelated documents.

The petition is **GRANTED**.

Petitioner request that papers filed February 5, 2010 and communication from the Office dated April 12, 2010 be deleted since they were submitted by a party who is not the inventor, assignee, or attorney in the instant application. Petitioner indicates that these documents are not related in any way to Application Serial No. 12/098,920. Finally, petitioner also request refund of the \$200.00 petition fee required under 37 CFR 1.59(b).

A review of the file indicates no Office error, since the transmittal sheet indicates a communication from Neil Jetter, an attorney of record, and identifies the instant Application Serial No. 12/098,920. However the communication is not related to this application and is signed by an attorney not of record. An attorney of record has requested the documents be expunged. The information in question has been determined by the undersigned to not be material to the examination of the instant application. The petition is granted and refund will be made to petitioner's deposit Account No. 50-5135.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Publicly available Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/098,920 that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

The application is being forwarded to Technology Center Art Unit 2173 for action in its regular turn.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **NEIL R. JETTER**
JETTER & ASSOCIATES
8295 NORTH MILITARY TRAIL, SUITE F
PALM BEACH GARDENS, FL 33410

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/08/11
TO SPE OF : ART UNIT 3714
SUBJECT : Request for Certificate of Correction for Appl. No.: 12098963 Patent No.: 7704146

CofC mailroom date: 06/28/11

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 Claims 2 - 6 be Approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: Approved

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/David L Lewis/

3714

SPE

Art Unit

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/098,984	Filing date:	07 April 2008
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First Named Inventor:	MACALUSO, Andrew
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Title of the Invention:	PALATE CLEANSING BEVERAGE AND METHOD OF MAKING AND USING THE SAME
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/39166

The international date of the corresponding PCT application(s) is/are: 01 April 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- Is attached.
- Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/098,984	04/07/2008	Andrew Macaluso	115581-001UTL	3418
27189	7590	03/03/2011	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			HEGGESTAD, HELEN F	
			ART UNIT	PAPER NUMBER
			1789	
			NOTIFICATION DATE	DELIVERY MODE
			03/03/2011	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):

docketing@procopio.com
PTONotifications@procopio.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CT

March 2, 2011

In re application of	:	DECISION ON REQUEST TO
Andrew Macaluso et al	:	PARTICIPATE IN PATENT
Serial No. 12/098,984	:	PROSECUTION HIGHWAY
Filed: April 7, 2008	:	PROGRAM AND
For: PALATE CLEANSING BEVERAGE	:	PETITION TO MAKE SPECIAL
AND METHOD OF MAKING AND	:	UNDER 37 CFR 1.102(a)
USING THE SAME	:	

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 December 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/098,984

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

It is noted that the full copy of the written opinion of the International Searching Authority (ISA) has not been provided by applicant, however a copy of this document was obtained via epoline.org. Applicant is encouraged to supply a full copy of the written opinion of the ISA in future requests.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

MAILED

AUG 16 2011

OFFICE OF PETITIONS

In re Application of :
Rice, et al. :
Application No. 12/099,003 : **DECISION ON PETITION**
Filed: 7 April, 2008 :
Attorney Docket No. TUMR0003 :

This is a decision on the petition filed on 11 July, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner appears not to have determined and submitted the proper fee. Petitioner chose instead to place that responsibility upon the Office. (The fee has been charged, as authorized.)

Petitioner is reminded of his responsibility to complete these duties before submitting papers.

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner appears to have submitted a corrected/replacement oath/declaration, but no application data sheet (ADS).

The petition under 37 C.F.R §1.182 is **DISMISSED**.

A 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. §1.182."

Application No. 12/099,003

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

Application No. 12/099,003

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form.

It appears that Petitioner submitted an updated application data sheet (ADS).

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 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

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/099,003

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. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners 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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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Rice, et al. :
Application No. 12/099,003 : DECISION ON PETITION
Filed: 7 April, 2008 :
Attorney Docket No. TUMR0003 :

This is a decision on the petition filed on 21 September, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

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.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor’s name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must

Application No. 12/099,003

be marked in red ink, in the left margin “See paper No. _ for correction of inventor name” and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor’s name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor’s name—the name having been typed and signed in that form.

It appears that Petitioner submitted an updated application data sheet (ADS).

Petitioner’s original petition did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant’s name—that averred to have been incorrect and that averred to be correct. The petition was dismissed on 16 August, 2011.

On 21 September, 2011, Petitioner re-advanced the petition—and, while electing to argue with the Office despite the presence in the earlier decision of the extract from the MPEP, Petitioner this time submitted the required statement of the inventor setting forth and signed in both names along with a copy of the Court Order marking the change. It does not appear that Petitioner has submitted a supplemental oath/declaration signed by the inventor in the changed form of the inventor’s name—Petitioner will wish to address this matter promptly.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

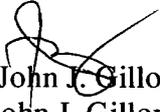
Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected filing receipt before being returned to the Technology Center for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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P.O. Box 1450
Alexandria, VA 22313-1450
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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE, SUITE 4800
SEATTLE, WA 98104

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Brian FIOCA, et al.
Application No. 12/099,031
Filed: April 7, 2008
Attorney Docket No. **JOBS-1-1017**

:
:
DECISION ON PETITION
UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 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, November 12, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The correspondence address was omitted from the petition. Until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record. Any change in correspondence address should be filed in accordance with MPEP 601.03.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3629 for appropriate action by the Examiner in the normal course of business on the reply received July 26, 2010

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mauriel Kapouytian & Treffert LLP
151 1st Avenue
#23
New York NY 10003

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of :
Mohammad Mahdian et al. :
Application No. 12/099,055 :
Filed: April 7, 2008 :
Attorney Docket No. **10033-2006200** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

SEP 13 2010

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

In re Application of
Holger M. Jaenishch
Application No. 12/099,072
Filed: April 7, 2008
Attorney Docket No. **23309-003001**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Power of Attorney filed July 30, 2008. Also it is noted that the change in 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/
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

April 19, 2011

Perkins Coie LLP
PO Box 1247
Seattle WA 98111-1247

In re Application of :
Jaenisch, Holger M. : **DECISION ON PETITION**
Application No. 12/099,072 :
Filed: 04/07/2008 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 74464-8002.US07 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 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 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.
12/099,072 04/07/2008 Holger M. Jaenisch 74464-8002.US01 3562

7590 04/21/2011
Perkins Coie LLP
PO Box 1247
Seattle, WA 98111-1247

EXAMINER

NGUYEN, KIET TUAN

ART UNIT. PAPER NUMBER

2881

NOTIFICATION DATE DELIVERY MODE

04/21/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,098	04/07/2008	Young Harvill	14067.0020	3620
42292	7590	11/14/2011	EXAMINER	
Wolff & Samson PC Attn: Jeffrey M. Weinick One Boland Drive West Orange, NJ 07052			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			11/14/2011	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111002

DATE : September 30, 2011

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction on Patent No.: 7952577 B2

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:

Examiner acknowledged the changes, please correct them. thanks /J.A./

/Andrew Wang/
Supervisory Patent Examiner, Art Unit 2628

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,952,577 B2
APPLICATION NO.: 12/099,098
ISSUE DATE : May 31, 2011
INVENTOR(S) : Harvill

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

/J.A./ Title page, item (54), under "Title", in Column 1, Lines 1-2,
delete "AUTOMATIC 3D MODELING SYSTEM AND METHOD" and
insert - - AUTOMATIC 3D MODELING - -.

/J.A./ Page 2, item (56), under "Other Publications", in Column 2, Line 24, delete "Tang, Li-An," and
insert - - Tang, Li-An, et al., - -.

/J.A./ Column 1, lines 1-2, delete "AUTOMATIC 3D MODELING SYSTEM AND METHOD" and
insert - - AUTOMATIC 3D MODELING - -.

/J.A./ Column 12, lines 34-35, in Claim 31, delete "configured to for generate" and
insert - - configured to generate - -.

/J.A./ Column 12, line 50, in Claim 31, delete "storing a the change" and insert - - storing a change - -.

Examiner has acknowledged the
changes, please enter them. Thanks
J.A.

/Javid Amini/

10/02/2011

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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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Munck Carter/NSC
P.O. Drawer 800889
Dallas, TX 75380

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of
Rodney A. HUGHES
Application No. 12/099,099
Filed: April 7, 2008
Attorney Docket No. **P07147**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 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 non-final Office action mailed, August 18, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 19, 2010.

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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2817 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is written in a cursive style with a large initial 'T' and 'P'.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

AUG 30 2011

In re Application of
FLESSNER, TIMO et al. :
Application No.: 12/099,108 : DECISION ON
Filing or 371(c) Date: April 7, 2008 : PETITION
Attorney Docket Number: LEA 36 814 D1[68862DIV] :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on March 24, 2011.

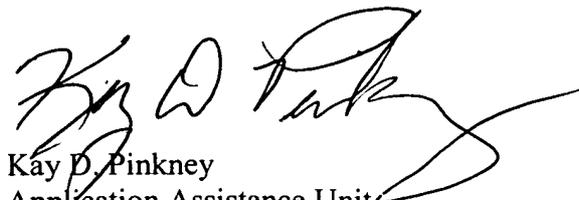
This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed November 30, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on March 15, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on February 28, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$1510.00 and publication fee of \$300.00 was charged to Deposit Account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of :
Heidi Daoxian ZHANG et al. :
Application No. 12/099,156 : **ON PETITION**
Filed: April 8, 2008 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed April 28, 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 29, 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 replacement claims commencing on a separate sheet; (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 Corrected Application Papers of April 28, 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. 12/099,156

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Ashok Tankha
36 Greenleigh Drive
Sewell, NJ 08080

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of
Gurvinder Singh
Application No. 12/099,169
Filed: April 8, 2008
Attorney Docket No. CellSpin_03

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 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 Ashok Tankha, sole attorney of record. Ashok Tankha has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gurvinder Singh
201 Harrison Street
#927
San Francisco, CA 94105



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
12/099,169	04/08/2008	Gurvinder Singh	CellSpin_03

Ashok Tankha
36 Greenleigh Drive
Sewell, NJ 08080

CONFIRMATION NO. 3742
POWER OF ATTORNEY NOTICE



0C000000050841190

Date Mailed: 11/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2011.

- 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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81161876	Application Number (if known): 12099221	Filing date: April 08, 2008
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First Named Inventor: George Steven Saloka

Title: AUTOMOTIVE FUEL CELL WATER MANAGEMENT SYSTEM AND METHOD OF OPERATING SAME

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.

- 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.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Benjamin C. Stasa/	Date 2011-03-08
-------------------------------	-----------------

Name (Print/Typed) Benjamin C. Stasa	Registration Number 55644
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEORGE STEVEN SALOKA et al.

Serial No.: 12099221

Filed: April 08, 2008

For: AUTOMOTIVE FUEL CELL WATER MANAGEMENT
SYSTEM AND METHOD OF OPERATING SAME

Group Art Unit: 1729

Examiner: Unknown

Attorney Docket No.: 81161876

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

GEORGE STEVEN SALOKA et al.

By: /Benjamin C. Stasa/

Benjamin C. Stasa

Reg. No. 55644

Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,221	04/08/2008	George Steven Saloka	81161876	3835
28395	7590	03/28/2011	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EHELMEYER, ALIX ELIZABETH	
			ART UNIT	PAPER NUMBER
			1729	
			MAIL DATE	DELIVERY MODE
			03/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Saloka et al.	:	DECISION ON PETITION
Application No. 12/099,221	:	TO MAKE SPECIAL UNDER
Filed: 4/8/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81161876	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,422	04/08/2008	Nobuaki Otsuka	323924US2S DIV	4176
22850	7590	01/23/2012	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			MENZ, LAURA MARY	
			ART UNIT	PAPER NUMBER
			2813	
			NOTIFICATION DATE	DELIVERY MODE
			01/23/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 20120120

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, L.L.P
1940 Duke Street
Alexandria, VA 22314

Applicant: OTSUKA, NOBUAKI et al.
Appl No.: 12/099422
Filed: April 8, 2008

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.181**
:
:
:

This decision is in response to the petition filed September 16, 2011 in the above-identified application. Petitioner requests the Commissioner to invoke his supervisory authority under 37 C.F.R. § 1.181 (a)(3) to compel the Examiner to consider the Documents (AA) - (AE) and (AW) – (AY) cited in the Information Disclosure Statement (IDS) filed on April 8, 2008. The petition is before the Supervisory Patent Examiner for review.

The Petitioner asserts the IDS filed April 8, 2008 is in compliance with 37 C.F.R § 1.97-1.98 since the documents were submitted in the parent application along with statements of relevancy.

Upon review, the IDS filed April 8, 2008 is in conformance with the requirements of 37 C.F.R. § 1.97-1.98.

As the information Disclosure Statement is in compliance with 37 C.F.R. § 1.97-1.98, the petition is hereby **GRANTED**. The IDS has already been considered by the Examiner and was mailed out on January 3, 2012.

Telephone inquiries should be directed to Matthew Landau, Supervisory Patent Examiner, at (571)-272-1731.

Matthew Smith, Acting TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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**FREDERICK W. MAU II
1108 ROYAL AVENUE
ROYAL OAK, MI 48073**

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven W. Russell	:	DECISION ON PETITION
Application No. 12/099,444	:	TO WITHDRAW
Filed: April 8, 2008	:	FROM RECORD
Attorney Docket No. ARCH-001	:	

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 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 Frederick W. Mau II, on behalf of the practitioners of record associated with Customer No. 49308.

Customer No. 49308 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding final Office action mailed September 13, 2010 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: STEVEN W. RUSSELL
14380 RIVA DEL LAGO DRIVE
FORT MEYERS, FLORIDA 33907



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
12/099,444	04/08/2008	Steven W. Russell	ARCH-001

CONFIRMATION NO. 4209

49308
FREDERICK W. MAU II
1108 ROYAL AVENUE
ROYAL OAK, MI 48073

POWER OF ATTORNEY NOTICE



OC000000044831973

Date Mailed: 12/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/04/2010.

- 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

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12099511
Filing Date	08-Apr-2008
First Named Inventor	Shozo Oshio
Art Unit	1734
Examiner Name	CAROL KOSLOW
Attorney Docket Number	10873.1696USC3
Title	PHOSPHOR COMPOSITION AND METHOD FOR PRODUCING THE SAME, AND LIGHT-EMITTING DEVICE USING 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	/Douglas P. Mueller/
Name	Douglas P. Mueller
Registration Number	30300



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Decision Date : April 13,2011

In re Application of :

Shozo Oshio

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12099511

Filed : 08-Apr-2008

Attorney Docket No : 10873.1696USC3

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 13,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1734 for processing of the request for continuing examination under 37 CFR 1.114 .

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): 12/099,514	Patent Number (if applicable):
First Named Inventor: Yoshihiko KAMATA	Title of Invention: SEMICONDUCTOR MEMORY DEVICE WHICH INCLUDES MOS TRANSISTOR HAVING CHARGE ACCUMULATION LAYER

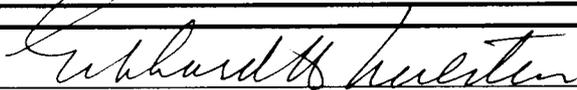
APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date March 25, 2011
Name (Print/Typed) Eckhard H. Kuesters	Practitioner Registration Number 28,870
Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of :
Yoshihiko Kamata :
Application No. 12/099,514 : **DECISION ON PETITION**
Filed: April 8, 2008 :
Attorney Docket No. 324990US2S :

This is a decision on the request filed March 25, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 27, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2827 for re-mailing the Office action of December 27, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED
MAR 04 2011
OFFICE OF PETITIONS

In re Application of :
Cheol Hwan Lee et al :
Application No. 12/099,561 : DECISION GRANTING PETITION
Filed: April 8, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5146-081197 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 2, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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 IDS and amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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	12099653	
Filing Date	08-Apr-2008	
First Named Inventor	Larry Taylor	
Art Unit	1636	
Examiner Name	MICHELE JOIKE	
Attorney Docket Number	35538-502D01US	
Title	PLANT WALL DEGRADATIVE COMPOUNDS AND SYSTEMS	
<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:		30623 _____
The reason(s) for this request are those described in 37 CFR:		
10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to:		
The 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:		12779 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Cynthia Kozakiewicz/	
Name	Cynthia Kozakiewicz	
Registration Number	42764	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 29,2011

In re Application of :

Larry Taylor

Application No : 12099653

Filed : 08-Apr-2008

Attorney Docket No : 35538-502D01US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed August 29,2011

The request is **APPROVED**

The request was signed by Cynthia Kozakiewicz (registration no. 42764) on behalf of all attorneys/agents associated with Customer Number 30623 . All attorneys/agents associated with Customer Number 30623 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 12779 .

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
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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Ulrich Klostermann	:	
Application No. 12/099,699	:	DECISION ON PETITION
Filed: April 8, 2008	:	TO WITHDRAW
Attorney Docket No. QIM 2005 P 51829 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

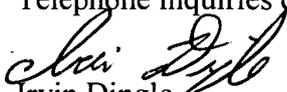
The request is **APPROVED**.

The request was signed by Ira S. Matsil on behalf of the practitioners of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Qimonda AG at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Qimonda AG
Gustav-Heinemann-Ring 212
Munich 81739 DE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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12/099,699

04/08/2008

Ulrich Klostermann

QIM 2005 P 51829 US

CONFIRMATION NO. 4661

POWER OF ATTORNEY NOTICE

68038
SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252



Date Mailed: 03/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/099,699	04/08/2008	Ulrich Klostermann	QIM 2005 P 51829 US

CONFIRMATION NO. 4661

POA ACCEPTANCE LETTER

Qimonda AG
Gustav - Heinemann - Ring 212
Munich, 81739
GERMANY



Date Mailed: 03/21/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Patent No. 8,056,209 :
Issue Date: November 15, 2011 :
Application No. 12/099,730 : DECISION ON PETITION
Filed: April 8, 2008 :
Attorney Docket No. MEISS85.001DV1 :

This is a decision on the "PETITION TO CORRECT ASSIGNEE", filed January 12, 2012.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

¹ See 37 CFR 3.81.

(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 \$100 fee for the Certificate of Correction and the \$130 processing fee for the instant petition is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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.
12/099,755	04/08/2008	Eun-Chan PARK	0202-0068	4759

7590 01/20/2011
Jefferson IP Law, LLP
1130 Connecticut Ave., NW
Suite 420
Washington, DC 20036

EXAMINER

LAU, YUNGSANG

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/20/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Ang. Sarmed, Jr. is authorized to receive
mailing notices and correspondence
on behalf of the inventor.

**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):
12/099,797

Patent Number (if applicable):

First Named Inventor:
FUNAHATA et al.

Title of Invention:
LIQUID CRYSTAL DISPLAY

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):
- 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 /Alan E. Schiavelli/	Date 5-12-2011
Name (Print/Typed) Alan E. Schiavelli	Practitioner Registration Number 32,087
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of :
Funahata et al. :
Application No. 12/099,797 : **DECISION ON PETITION**
Filed: April 9, 2008 :
Attorney Docket No. 500.48716X00 :

This is a decision on the request filed May 12, 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 February 25, 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 2871 for re-mailing the Office action of February 25, 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

**ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
DAMUDE, et al :
Application No. 12/099,799 :
Filed: April 9, 2008 :
Attorney Docket No. BB1615 USNA :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to W. Murray Spruill and the, has been revoked by the assignee of the patent application on May 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

cc: E.I. DU PONT DE NEMOURS AND COMPANY
1007 MARKET STREET
WILMINGTON DE 19898



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.
12/099,801	04/09/2008	Yuki SHIMIZU	501.48707X00	4866

7590 03/09/2011
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

EVANS, JEFFERSON A

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/09/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Sarmes
Patent Publication Branch
Office of Data Management



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

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of
SULLENDER
Application No. 12/099,833
Filed: April 9, 2008
Attorney Docket No. EY1-0007US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Lewis C. Lee and the attorneys associated with Customer No. 29150, has been revoked by the assignee of the patent application on January 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET M. ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN, TX 78701

cc: MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/21/11
TO SPE OF : ART UNIT 2474
SUBJECT : Request for Certificate of Correction for Appl. No.: 12099945 Patent No.: 7953028

CofC mailroom date: 09/08/11

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: _____

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: _____

/Aung S. Moe/
SPE

2475
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of :
Yukihiko TOYODA, et al. :
Application No. 12/099,957 : DECISION GRANTING PETITION
Filed: April 9, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **324849US40CONT** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 January 7, 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 2841 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.

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3435 or (703) 756-1814



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Scully Scott Murphy & Presser PC
400 Garden City Plaza, Suite 300
Garden City NY 11530

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Patent No. 7,851,750 :
Issue Date: December 14, 2010 :
Application No. 12/100,001 : **DECISION ON PETITION**
Filed: April 9, 2008 :
Attorney Docket No. 22310 :

This is a decision on the Petition Under 37 C.F.R. §3.81 And Request For Certificate Of Correction Under 37 C.F.R. §1.323, filed January 4, 2011, to identify the correct assignee's information. 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 correct the assignee's information on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's information 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. 7,851,750
Application No. 12/100,001
Decision on Petition under 37 CFR §3.81

Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,851,750.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/100,044	04/09/2008	Koji Yoshiyuki	00862.153509.	5332
5514	7590	07/22/2011	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800			GORDON, BRYAN P	
			ART UNIT	PAPER NUMBER
			2837	
			MAIL DATE	DELIVERY MODE
			07/22/2011	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 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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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

In re Application of YOSHIYUKI, KOJI :
Appl. No.: 12/100,044 :
Filed: April 09, 2008 :
For: DRIVING APPARATUS, HOLDING APPARATUS, :
EXPOSURE APPARATUS, AND DEVICE :
FABRICATION METHOD :
Attorney Docket No.: 00862.153509 :

RESPONSE TO PETITION
UNDER 37 CFR 1.181

This is a response to the petition under 37 CFR 1.181, filed April 6, 2011, to restart the period for reply due to non-receipt of the Notice Requiring Excess Claims Fees, and refund the money paid for the five-month extension of time.

The petition is GRANTED.

A Request for Continued Examination (RCE) was filed on September 27, 2010, with the required submission under 37 CFR 1.114(c) being an amendment under 37 CFR 1.312 filed September 9, 2010. A Notice Requiring Excess Claims Fees ("Notice") was mailed on October 6, 2010 requiring applicant to pay \$220.00 for 1 extra independent claim that had not been paid. A reply to the Notice along with an extension of time of 5 (five) months and requisite fees were filed on April 6, 2011 along with the instant petition.

Petitioner asserts that the Notice was never received. To support this assertion, petitioner includes a declaration by practitioner Donald H. Heckenberg, Jr., that the Notice was not received and that a review of the application file and docketing records for the application indicates that the Notice was not received by the practitioner. A declaration by Mark Chanderratt, docketing supervisor at practitioner's law firm, and a copy of the practitioner's docket records where the non-received Notice would have been entered had it been received in a timely manner, were submitted in support of the petition.

MPEP §7.11.03(c) states in part:

... 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. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's records including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the records used by the practitioner where the non-received Office action would have been entered had it been received is required.

The petition is accompanied by a proper showing required to establish non-receipt of the Notice and is granted. The reply filed on April 6, 2011 is hereby accepted as having been timely filed since it was submitted within one month of being notified by the examiner of record of the mailing of the Notice. No extension of time was necessary. Accordingly, the fee of \$2,350.00 for the extension of time of five months is being refunded to petitioner's Deposit Account.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-1606.



Hien H. Phan, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7638234
Ser. No. : 12/100045
Inventor(s) : NAITO, MASAKAZU
Issued : 12/29/2009
Title : BATTERY PACK INCLUDING ULTRASONIC WELDING SURFACES
Docket No. : 324999US8

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

OBLON, SPIVAK MCCLELLAND, MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VIRGINIA 22314

OL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/100,192	04/09/2008	Haitao Pan	15072-000007/US/CO	5642

7590 09/09/2010
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

EXAMINER

BOST, DWAYNE D

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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09/09/2010

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





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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/100,200	04/09/2008	Pierre Tessier	07-259-US	5664
20306	7590	02/09/2011	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			ANDERSON, REBECCA L	
300 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
32ND FLOOR			1626	
CHICAGO, IL 60606			MAIL DATE	DELIVERY MODE
			02/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FEB 09 2011

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of: :
Tessier et al. :
Serial No.: 12/100,200 : PETITION DECISION
Filed: April 9, 2008 :
Attorney Docket No.: 07-259-US :

This is in response to the petition under 37 CFR § 1.181, filed January 27, 2011, requesting that the finality of the Office action of October 22, 2010 be withdrawn because it was improper.

BACKGROUND

On May 12, 2010, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-85 were pending and claims 1, 2, 5, 9-11, 13, 15, 18-21, 27, 28, 31, 35, 36, 38-40, 43 and 51 were rejected. Claims 1, 2, 5, 9-11, 13, 15, 18-21, 27, 28, 31, 35, 36, 38-40, 43, 51 and 83 were objected to as containing non-elected subject matter and claims 3, 4, 6-8, 12, 14, 16, 17, 22-26, 29, 30, 32-34, 37, 41, 42, 44-50, 52-82, 84 and 85 were withdrawn from consideration. The examiner rejected claims 1, 2, 5, 9-11, 13, 15, 18-21, 27, 28, 31, 35, 36, 38-40, 43 and 51 under 35 USC 112, first paragraph, as non-enabling. Claims 1, 5, 10, 11, 15, 18 and 19 were rejected under 35 USC 102(b) as being anticipated by Sealy et al. Claims 27, 31, 35, 36, 43 and 51 were rejected under 35 USC 103(a) as being unpatentable over Sealy et al.

On August 12, 2010, applicant filed amendments to the claims and arguments traversing the examiner's rejections instituted in the non-final Office action of May 12, 2010.

On October 27, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-17 and 19-87 were pending and claims 1, 2, 5, 9-11, 13, 15, 19-21, 27, 28, 31, 35, 36, 38-40, 43, 51, 83, 86 and 87 were rejected. Claims 1, 2, 5, 9-11, 13, 15, 19-21, 27, 28, 31, 35, 36, 38-40, 43, 51, 83, 86 and 87 were objected to as containing non-elected subject matter and claims 3, 4, 6-8, 12, 14, 16, 17, 22-26, 29, 30, 32-34, 37, 41, 42, 44-50, 52-82, 84 and 85 were withdrawn from consideration. The examiner rejected claims 1, 2, 5, 9-11, 13, 15, 19-21, 27, 28, 31, 35, 36, 38-40, 43, 51, 83, 86 and 87 under

35 USC 112, first paragraph, as non-enabling. Claims 1, 2, 9-11, 15, 19, 27, 28, 35, 36, 38, 40, 43, 86 and 87 were rejected under 35 USC 102(b) as being anticipated by Jones et al. Claims 27, 28, 31, 35, 36, 38, 39, 40, 43 and 87 were rejected under 35 USC 103(a) as being unpatentable over Jones et al. The examiner indicated that applicant's amendment necessitated the new grounds of rejection.

On December 23, 2010, applicants submitted an after final amendment including claim amendments.

On January 6, 2011, the examiner mailed to applicants an advisory action indicating that the after final amendment would not be entered because new issues would be raised requiring further consideration and/or search, and the amendments did not simplify the issues for appeal.

On January 27, 2011, applicants submitted the petition under consideration herein.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition, applicants argues "The October 27, 2010, Office Action rejected claim 38 (and others) under 35 USC § 102 as anticipated by Jones *et al.* But Jones *et al.* was newly cited art, it was not submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), and claim 38 was not previously amended."

Applicants' argument has been accorded careful consideration and is persuasive since claim 38 was not previously amended prior to the final Office action of October 27, 2010. Accordingly, applicants' amendments did not necessitate the new rejection. MPEP § 706.07 recites:

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).

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Thus, it is *not* proper for an office action to be made final when 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).

DECISION

The petition is subsequently **GRANTED**.

The Office action mailed October 27, 2010 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of December 23, 2010 will also be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

Should there be any questions about this decision please contact Quality Assurance Specialist 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.



Remy Yucel
Director, Technology Center 1600



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LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

MAILED
JAN 26 2011
OFFICE OF PETITIONS

In re Application of :
Micah B. Yairi :
Application No. 12/100,250 : DECISION ON PETITION
Filed: April 9, 2008 :
Attorney Docket No. LGRSNZ00100 :

This is a decision on the petition, filed December 9, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a proper reply to the final Office action mailed June 23, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed December 9, 2010.

Petitioner asserts that since extensions of time were made available under the provisions of 37 CFR 1.136(a) from the mailing date of the communication to up to six months of the communication, therefore the abandonment was premature. The petitioner requests that the abandonment be withdrawn.

A review of the file record indicates that a reply of a RCE and an amendment under 37 CFR 1.114 including a three (3) month extension of time was received by the Office on December 22, 2010, therefore rendering the reply timely.

In view of the above, the holding of abandonment for failure to timely file a proper reply to the Office action of June 23, 2010, is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3763 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment in accordance with 37 CFR 1.114 filed December 22, 2010.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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SEP 07 2011

OFFICE OF PETITIONS

**IPXLAW GROUP LLP
95 SOUTH MARKET STREET
SUITE 570
SAN JOSE CA 95113**

In re Application of :
Gregoire Le Grand De Mercey :
Application No. 12/100,391 : **DECISION ON PETITION**
Filed: April 9, 2008 :
Attorney Docket No. 321-3600US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 non-final Office action mailed, January 31, 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 timely obtained. Accordingly, the application became abandoned on May 3, 2011. A Notice of Abandonment was mailed August 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00, three-month extension of time fee submitted with the petition on August 22, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2618 for further 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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P.O. Box 1450
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Decision Date : October 10,2011

In re Application of :

Takashi Imai

Application No : 12100582

Filed : 10-Apr-2008

Attorney Docket No : 052062/341200

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 10,2011

The request is **APPROVED**.

The request was signed by GUY R. GOSNELL (registration no. 34610) on behalf of all attorneys/agents associated with Customer Number 00826 . All attorneys/agents associated with Customer Number 00826 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name IKS USA, INC.
Name2
Address 1 8701 MALLARD CREEK ROAD
Address 2 SUITE 106
City CHARLOTTE
State NC
Postal Code 28262
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	12100582	
Filing Date	10-Apr-2008	
First Named Inventor	Takashi Imai	
Art Unit	2858	
Examiner Name	TEMILADE RHODES-VIVOUR	
Attorney Docket Number	052062/341200	
Title	APPARATUS AND METHOD FOR PRE-CHARGING IN CHARGING/DISCHARGING EQUIPMENT FOR AN ENERGY-STORAGE DEVICE	
<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:		00826
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	IKS USA, INC.	
Address	8701 MALLARD CREEK ROAD SUITE 106	
City	CHARLOTTE	
State	NC	
Postal Code	28262	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Guy R. Gosnell/
Name	GUY R. GOSNELL
Registration Number	34610



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Alexandria, VA 22313-1450
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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
Hidekazu Suto :
Application No. 12/100,588 : **DECISION GRANTING PETITION**
Filed: April 10, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **450100-06090** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 7, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2622 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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**OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403**

**MAILED
SEP 06 2011
OFFICE OF PETITIONS**

In re Application of :
Sanchez Ponce, Ruben : **DECISION ON PETITION**
Application No. 12/100,656 : **TO WITHDRAW**
Filed: April 10, 2008 : **FROM RECORD**
Attorney Docket No. P/4607-4 V7440 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 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 James A. Finder on behalf of all attorneys/agents of record who are associated with Customer Number 02352. All attorneys/agents associated with Customer Number 02352 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, Ruben Sanchez Ponce, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: RUBEN SANCHEZ PONCE
PUERTO AGIABAMPO NO. 334-1
COLONIA MONUMENTAL
GUADALAJARA, JALISCO C. P. 44320 MX MEXICO



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Decision Date : January 12, 2012

In re Application of :

Hirokazu Tamura

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12100657

Filed : 10-Apr-2008

Attorney Docket No : 01272.138638.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 12, 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 2624 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	12100657
Filing Date	10-Apr-2008
First Named Inventor	Hirokazu Tamura
Art Unit	2624
Examiner Name	ANH DO
Attorney Docket Number	01272.138638.
Title	IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD, COMPUTER PROGRAM, AND STORAGE MEDIUM

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Agatha H Liu/
Name	Agatha H. Liu
Registration Number	65323



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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DR. SUITE 2100
CHICAGO, IL 60606

MAILED
FEB 09 2011
OFFICE OF PETITIONS

In re Application of :
Lim Or Sim, et al. :
Application No.: 12/100,698 : **ON PETITION**
Filed: April 10, 2008 :
Attorney Docket No.: 20184/NNR4US-A :

This is a decision on the petition, filed February 8, 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 November 3, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2452 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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THE MARBURY LAW GROUP, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

MAILED
AUG 23 2010
OFFICE OF PETITIONS

In re Application of :
Darrell Oresky :
Application No. 12/100,767 : **DECISION ON PETITION**
Filed: April 10, 2008 :
Attorney Docket No. 1182-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 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 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 6, 2010. Accordingly, the date of abandonment of this application is July 7, 2010. A Notice of Abandonment was mailed 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 \$755.00 and publication fee of \$300.00; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/100,867	Confirmation Number	7062	Filing Date	2008-04-10
Attorney Docket Number (optional)	68063US(50264)	Art Unit	3623	Examiner	Folashade Anderson
First Named Inventor	Bernard G. Koether				
Title of Invention	SYSTEM AND METHOD FOR INCREASING DEMAND FOR PERISHABLE GOODS OR VANISHING GOODS AT A POINT-OF-SALE LOCATION				
<p>Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
Bernard	G.	Koether			
<p>A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.</p>					
Signature	/Howard M. Gitten/		Date (YYYY-MM-DD)	2010-10-04	
Name	Howard M. Gitten		Registration Number	32138	

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Bernard G. Koether

:
:

Application No. 12100867

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

Filed: April 10, 2008

:

Attorney Docket No. 68063US(50264)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-OCT-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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120413

DATE : March 21, 2012

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 8,076,132

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:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642



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**BATTELLE MEMORIAL INSTITUTE
ATTN: IP LEGAL SERVICES, K1-53
P.O. BOX 999
RICHLAND WA 99352**

**MAILED
JAN 05 2011
OFFICE OF PETITIONS**

In re Application of :
Konstantinos PETRITIS et al. :
Application No. 12/100,905 : **DECISION ON PETITION**
Filed: April 10, 2008 : **UNDER 37 CFR 1.78(a)(6)**
Attorney Docket No. 15260-E :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 05, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on April 10, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/911,400, which was filed on April 12, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to

add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the \$1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.



Thurman K. Page
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.
12/101,013	04/10/2008	Brian Whitman	E011-P08010US	7359
33356	7590	10/14/2011	EXAMINER	
SoCAL IP LAW GROUP LLP			NGUYEN, PHONG H	
310 N. WESTLAKE BLVD. STE 120			ART UNIT	PAPER NUMBER
WESTLAKE VILLAGE, CA 91362			2162	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@socalip.com



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SoCAL IP Law Group LLP
310 N. Westlake BLVD.
STE 120
Westlake Village, CA 91362

In re Application of:
Brian WHITMAN, et al.
Application No. 12/101,130
Filed: April 10, 2008
For: DETERMINING THE SIMILARITY OF
MUSIC CULTURAL AND ACOUSTIC
INFORMATION

DECISION ON PETITION
UNDER 37 CFR § 1.48(a)

This is a decision on the petition, filed on 08 July 2008, under 37 C.F.R. § 1.48(a).

The petition is **GRANTED**.

The application is being forward to Technology Center Support Staff to enter inventor Tristan JEHAN in the PALM database.

It is noted that an assignment has not been executed by any of the original inventors on/before filing date of the instant petition. Thus, the written consent from the assignee is not required at the time.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software
571-272-3613



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Decision Date : May 16,2011

In re Application of :

Wallace Pratt

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12101071

Filed : 10-Apr-2008

Attorney Docket No : 31244/42903

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 16,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2451 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	12101071
Filing Date	10-Apr-2008
First Named Inventor	Wallace Pratt
Art Unit	2451
Examiner Name	ZARNI MAUNG
Attorney Docket Number	31244/42903
Title	ROUTING PACKETS ON A NETWORK USING DIRECTED GRAPHS

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	/Roger Heppermann/
Name	Roger Heppermann
Registration Number	37641



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April 2, 2012

Ankur Garg
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Patent No: 7,969,638 B2
Application No: 12/101,073
Applicant: Gang Xu
Issued: June 28, 2011
Title: **DEVICE HAVING THIN BLACK MASK AND METHOD OF FABRICATING THE SAME**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322/1.323.

Respecting the alleged error on title page 4, column 2, line 14 comparison of the printed patent with the corresponding location in the application file reveals that there is no discrepancy.

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt



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DEC 09 2010

OFFICE OF PETITIONS

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

In re Application of :
Beilfuss, et al. :
Application No. 12/101,171 : ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. 0503-1188 :

This is in response to the petition under 37 CFR 1.182, filed September 23, 2010.

Applicant has requested to correct the name of inventor Sabine Wutsch to Sabine Herweg. Applicant has included a copy of a German marriage registration, together with an English language translation thereof.

Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name.

The application is being forwarded to Group Art Unit 1761 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff C

Cliff Congo
Petitions Attorney
Office of Petitions



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SCHLUMBERGER RESERVOIR COMPLETIONS
14910 AIRLINE ROAD
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ROSHARON, TX 77583

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JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
John R. Lovell :
Application No. 12/101,198 : **DECISION ON PETITION**
Filed: April 11, 2008 :
Attorney Docket No. 68.0763 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

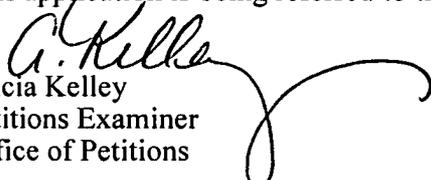
This application became abandoned for failure to timely pay the issue and publication fees on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due mailed August 25, 2010. Accordingly, the application became abandoned on November 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.


Alicia Kelley
Petitions Examiner
Office of Petitions



PETER A HAAS ESQUIRE LLC
1929 SW 13TH AVE
PORTLAND OR 97201

MAILED

NOV 04 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Stephen H. Walker
Application No. 12/101,216
Filed: April 11, 2008
Attorney Docket No. SHW-08-reg-01

This is a decision in response to the petition filed October 6, 2010, to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

The file record discloses that the Restriction Requirement was mailed March 2, 2010 to the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Restriction Requirement was not received. In support, petitioner indicates that a search of the file jacket and the docket records revealed that the Office Communication was not received and submits copies of pages from docket records, wherein receipt would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Restriction Requirement.

In view of the facts set forth in the petition, it is concluded that the Restriction Requirement was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 3643 for appropriate action on the response filed October 6, 2010 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions