UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

HESS PATENT LAW FIRM, P.C.
9 MIRAMAR LANE
STAMFORD CT 06902

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
Fiore et al. :
Application No. 12/101,362 :
Filed: April 11, 2008 :
Attorney Docket No. MGT-07963A39 :

DECISION ON PETITION

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) filed March 16, 2010. Receipt of the petition status request filed September 10, 2010 is acknowledged.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(a)" or "Renewed Petition under 37 C.F.R. § 1.137(b)," as appropriate.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed September 14, 2009. A reply was electronically filed on March 16, 2010. However, this reply was untimely as it was filed outside of the statutory period for reply. A Notice of Abandonment was mailed on June 1, 2010.

Petitioner maintains that the delay in filing the response to the Office due March 15, 2010, until March 16, 2010 was unavoidable. Petitioner attributes the delay in part to a typographical error in the due date for the reply being reported to him by the foreign patent agent representing the inventor. Petitioner acknowledges becoming aware there was an error in the due date; however, the misstated date delayed the attorney from working on a response until later that weekend. At that time, petitioner attributes the delay to a power outage that began with storms in Stamford, Connecticut on Saturday, March 13, 2010 which continued to affect power in Stamford through March 16, 2010. Having no power, no manual typewriter, no back-up power source, limited availability (15 minute usage) of library computers, and being unaware of the restoration of power to his home Office as of the afternoon of the due date, March 15, 2010, petitioner maintains the delay was unavoidable as he could not prepare and timely submit the response under the circumstances.

STATUTES, RULES AND REGULATIONS

35 U.S.C. 133 provides that:
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

A petition to revive an abandoned application on the grounds that the failure to reply was unavoidable (37 CFR 1.137(a)) must be accompanied by: (1) the required reply; (2) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(d); and (4) the petition fee as set forth in 37 CFR 1.17(l).

The burden of showing the cause of the delay is on the person seeking to revive the application. Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. 977, 982 (D.C. Cir. 1982). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the "reasonably prudent person standard" in determining if the delay was unavoidable:

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

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 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, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

It is well-established that a delay caused by the mistakes or negligence of one's voluntarily-chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133. Haines v. Quigg, 673 F.Supp. 314, 316-317, (1987); Link v. Wabash, 370 U.S. 626, 633-634 (1962). The Patent and Trademark

Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives, and applicant is bound by the consequences of those actions or inactions. Thus, reliance on an attorney per se does not provide petitioner with a showing of unavoidable delay within the meaning of 37 CFR 1.378(b) and 35 U.S.C. § 41(c). See California Medical Products v. Technol Med. Prod., 921 F.Supp. 1219, 1259 (D.Del. 1995). Rather, such reliance merely shifts the focus of the inquiry from petitioner to whether the attorney acted reasonably and prudently. Id.

Further, Courts have considered whether a delay caused by a heavy workload was unavoidable. In Smith v. Diamond, the Court held that an attorney's preoccupation with other matters that took precedence over responding to the dismissal of the petition mailed December 16, 1986 in this case does not justify a lack of diligence in filing the renewed petition until March 8, 1988. 209 U.S.P.Q. 1091 (D.D.C. 1981). Likewise, a delay was not found to be unavoidable where the petitioner cited a heavy workload by the attorney handling the petition in the present application as being a factor in causing the delay. In re Takeo, 17 U.S.P.Q. 2d (BNA) 1155 (Comm'r Pat. & Trademarks Feb. 27, 1990).

OPINION

The petition includes payment of the petition fee for consideration under 37 CFR 1.137(a). The reply required to the Office action for revival was filed on March 16, 2010. In this case, no terminal disclaimer is required for revival. At issue is whether applicant has established that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

On the evidence presented, it cannot be concluded that the burden of establishing that the delay was "unavoidable" is met. Attributing his action to an error in communication from the foreign patent agent, attorney for applicant admits delaying working on the response due by Monday, March 15, 2010 until the weekend of Saturday, March 13, 2010. The attorney states he has a busy home office in Stamford, Connecticut and typically works during the weekend to submit responses such as this where authorization comes in so close to the deadline date. The attorney provides evidence that during the period, March 13, 2010 - March 15, 2010, there was a storm in Stamford, Connecticut of a magnitude causing human loss of life and widespread power outages. The attorney states that these power outages left him without power until the afternoon of March 15, 2010. Under these circumstances, the attorney maintains he was unable to prepare and electronically file a response until March 16, 2010.

Preliminarily, it is noted that these weekend weather conditions did not cause the United States Patent and Trademark Office to designate a postal service interruption and emergency within the meaning of 35 U.S.C. section 21(a) and 37 CFR 1.10(i) for affected individuals such that an action or fee due on March 15, 2010, was considered as timely for the purposes of, e.g., 35 U.S.C. 119, 120, 133 and 151, if the action was taken, or the fee paid, on the next succeeding business day on which the United States Patent and Trademark Office was open.

Irrespective of the weather, in making this determination that the showing of unavoidable delay is not met, it is controlling

that attorney for applicant had power on the due date, and had the response been prepared, he could have mailed the response with a certificate of mailing by first class mail pursuant to 37 CFR 1.8(a), deposited it in the United States Postal Service Express Mail service prior to the last scheduled pick-up pursuant to 37 CFR 1.10, or by midnight of that date filed the reply electronically. The events prior to the due date were not the proximate cause of the delay in filing the reply. Rather, the cause was that attorney for applicant waited until that weekend to prepare his reply and once his power was restored he was not prepared to both complete and file that reply. It appears that given the late authorization of the foreign patent agent, attorney for applicant let other matters take precedence over this matter and deferred taking action until the weekend. Attorney for applicant may wait until the days before the due date to file a reply to prepare such. However, such a failure to timely file a reply does not constitute unavoidable delay within the meaning of 37 CFR 1.137(a).

CONCLUSION

If petitioner is unable to make the showing under § 1.137(a), petitioner is not precluded form seeking revival of this application under 37 CFR 1.137(b)[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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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[1] A grantable petition under § 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 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; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d).

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Paper No.

HESS PATENT LAW FIRM, P.C.
9 MIRAMAR LANE
STAMFORD CT 06902

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Fiore et al.	:	DECISION ON PETITION
Application No. 12/101,362	:	
Filed: April 11, 2008	:	
Atty Docket No. MGT-07963A39	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed October 19, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed September 14, 2009. A reply was electronically filed on March 16, 2010. However, this reply was untimely as it was filed outside of the statutory period for reply. A Notice of Abandonment was mailed on June 1, 2010.

By decision mailed October 12, 2010, a prior petition to revive based on unavoidable delay pursuant to 37 CFR 1.137(a) was dismissed. In response, applicant filed this petition.

The required reply (a request for continued examination (RCE and RCE fee) and submission in the form of an amendment) was received in the Office on March 16, 2010. The petition includes the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

Technology Center AU 1793 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on March 16, 2010.

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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/101,402	04/11/2008	Donald Gary Eichler	EIC-P2008-001	8161

37753 7590 08/03/2010
MARTIN A. WEEKS
1909 ALADDIN
NORMAN, OK 73072

EXAMINER
HEPPERLE, STEPHEN M

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
08/03/2010	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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MARTIN A. WEEKS
1909 ALADDIN
NORMAN OK 73072

In re Application of	:	
EICHLER, DONALD GARY	:	DECISION ON PETITION
Application No. 12/101,402	:	TO MAKE SPECIAL UNDER
Filed: Apr. 11, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. EIC-P2008-001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 28, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 8.

In regard to item 8, despite the application's previous publication, petitioner should note that since **the publication fee has not been received,** as set forth in 37 CFR 1.18(d), 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.

The application is being forwarded to the Technology Center Art Unit 3753 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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SUITE 2200
MONTREAL QC H3A 3H3 CA CANADA

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JAN 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Ana Arreguin	:	
Application No. 12/101,459	:	DECISION ON PETITION
Filed: April 11, 2008		TO WITHDRAW FROM RECORD
Attorney Docket No. 773/14674.6	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 14, 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 Gwendoline Bruneau on behalf of all attorneys of record who are associated with Customer Number 25545.

All attorneys/agents associated with the Customer Number 25545 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed September 7, 2010 that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Ana Arreguin
1145 rue Lac De Mai
Laval Quebec H7P 3M3 Canada

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4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Hsu et al.	:	
Application No.: 12/101517	:	DECISION ON
Filing or 371(c) Date: 04/11/2008	:	PETITION
Attorney Docket Number: UC0739USNA	:	

This is a decision in response to the "Petition Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment," filed March 18, 2011.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed September 10, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 11, 2010.

The present petition

Applicant files the present petition and avers that there was no abandonment-in-fact, because a timely extension of time was filed March 10, 2011. In support of this assertion, Applicant files a copy of the extension of time request, and a copy of an Electronic Acknowledgment Receipt acknowledging receipt by this Office of a three month extension of time request and fee. Applicant notes; however, that the extension of time was erroneously filed in application serial number 13/045,254, and not in the present application.

Office records

A review of Office records confirm that Applicants filed application papers, along with a three (3) month extension of time and fee electronically in application serial number 13/045,254.

Applicable Law, Rules and MPEP

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

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

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Analysis

In this instance, Applicants admittedly filed the extension of time request and fee in application serial number 12/101517. While the Office excuses minor errors in the identification of application papers, here, it is applicants who incorrectly filed the extension of time. Moreover, the application is properly held abandoned by statute, for failing to file a complete and proper reply to the Office action as the condition of the application required.

However, Applicants are advised that the present application may be revived for continuity purposes only. As noted *supra*, 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).* (Emphasis added).

Applicants are advised that they may file a petition to revive the application under 37 CFR 1.137(b). The petition requires the petition, the petition fee, and the required reply – here – the continuing application.

It is also noted that Applicants have again submitted the extension of time fee. Applicants are advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available.

Instead of refunding the extension of time fees, Applicants may request this Office apply the extension of time fees towards the fee for the petition to revive the application under 37 CFR 1.137(b), and refund the balance to Applicants' deposit account.

Conclusion

In view of the foregoing, the application is properly held abandoned, and the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

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

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

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

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

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

Telephone inquiries concerning this 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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WILMINGTON DE 19805

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JUL 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Hsu et al.	:	
Application No.: 12/101517	:	DECISION ON
Filing or 371(c) Date: 04/11/2008	:	PETITION
Attorney Docket Number: UC0739USNA	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed May 23, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed September 10, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 11, 2010.

Applicant files the present petition and the response, a continuation application, was filed 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 a continuation application; (2) the petition fee; and (3) a proper statement of unintentional delay.

Accordingly, the petition is granted.

This application is being revived for continuity purposes, and is again abandoned in favor of the continuing application, serial no. 13/045254, filed March 10, 2011.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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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.
12/101,622	04/11/2008	Xiaomin SHI	HW702836	8587

7590 09/02/2010

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago, IL 60601

EXAMINER
BELCHER, HERMAN A

ART UNIT	PAPER NUMBER
2448	

NOTIFICATION DATE	DELIVERY MODE
09/02/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/01/2010 MFARMER
04/14/2008 INTERSW 00001785 121216 12101622
02 FC:1111 510.00 CR
04 FC:1202 52.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

FELDMAN GALE, P.AA
1700 MARKET STREET
SUITE 3130
PHILADELPHIA PA 19103

In re Application of	:
Kendell, Mark William	:
Application No. 12/101,658	: DECISION GRANTING PETITION
Filed: April 11, 2008	: UNDER 37 CFR 1.55(c)
Attorney Docket No. 1236.FLAM0002U	:

This is a decision on the petition under 37 CFR 1.55(c), filed August 27, 2010, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of New Zealand Application No. 554452, filed April 11, 2007.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Petitioner states, "a bona fide attempt was made to properly claim foreign priority within the latter of four months from the actual filing of the application or sixteen months from the filing date of the prior foreign application." However, the Application Data Sheet correcting the typographical error was not received until August 27, 2010, which is later than both the four month and the sixteen month timeframes discussed in 37 CFR 1.55(a)(1)(i). Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on April 11, 2008, which is after November 29, 2000 and within 12 months of April 11, 2007. On August 27, 2010, an ADS was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1410.00 will be charged to petitioner's deposit account as authorized in the instant petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A filing receipt accompanies this decision on petition.

This application is being forwarded to Technology Center AU 3743 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this decision may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/101,658	04/11/2008	3743	500	1236.FLAM0002U	10	1

CONFIRMATION NO. 8660

CORRECTED FILING RECEIPT

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

OC000000046226425

Date Mailed: 02/28/2011

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)
Mark William Kendall, Auckland, NEW ZEALAND;

Assignment For Published Patent Application
FLAMEKEEPERS, LLC, Deerfield Beach, FL

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
NEW ZEALAND 554452 04/11/2007

If Required, Foreign Filing License Granted: 04/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/101,658**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

AIR CONTROL REGULATOR FOR COMBUSTION CHAMBER

Preliminary Class

126

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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JAN 24 2011

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
Mohammed AMANULLAH, et al	:	
Application No. 12/101,677	:	DECISION ON PETITION
Filed: April 11, 2008	:	
Attorney Docket No. 28594/43876	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed June 17, 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 18, 2010.

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

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

This application is being referred to Technology Center AU 1761 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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HOWREY LLP-CA
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Gibson et al. :
Application No. 12/101,743 : DECISION ON PETITION
Filed: April 11, 2008 :
Attorney Docket No. 02716.0003.CNUS04 :

This is a decision on the petition, filed March 25, 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 reply to the Notice of Allowance and Fee(s) Due (Notice) mailed December 7, 2009, which set a three (3) month statutory period for reply.

Petitioner asserts that the Notice dated December 7, 2009 was not received.

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

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

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

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

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

The petition satisfies the above-stated requirements. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply received March 25, 2010.

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/101,799	04/11/2008	Chun-Yi Kuo	19306-034	8947

7590 05/31/2011

WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 Quail Street, Suite 202
Newport Beach, CA 92660

EXAMINER
BELL, KENT L

ART UNIT	PAPER NUMBER
1661	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 29, 2011

WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 Quail Street, Suite 202
Newport Beach CA 92660

In re Application of	:	
Chun-Yi Kuo	:	**DECISION ON PETITION**
Application No. 12101799	:	
Filed: 04/11/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **19306-034**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 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 contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : June 20,2011

In re Application of :

Richard Klein

Application No : 12101903

Filed : 11-Apr-2008

Attorney Docket No : 1953233-00033

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed June 20,2011

The request is **APPROVED**

The request was signed by Louis C. Cullman (registration no. 39645) on behalf of all attorneys/agents associated with Customer Number 48423 . All attorneys/agents associated with Customer Number 48423 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 21127 .

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

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

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12101903
Filing Date	11-Apr-2008
First Named Inventor	Richard Klein
Art Unit	1615
Examiner Name	DANAH AL-AWADI
Attorney Docket Number	1953233-00033
Title	DRUG ELUTING EXPANDABLE DEVICES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48423

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

10.40(b)(4)

Certifications

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

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

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

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 21127

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Louis C. Cullman/
Name	Louis C. Cullman
Registration Number	39645

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. Wells Street
Suite 518
Milwaukee, WI 53203

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Kimberly Watts	:	
Application No. 12/101,907	:	DECISION ON PETITION
Filed: April 11, 2008	:	TO WITHDRAW
Attorney Docket No. WATTS-NONP-0408	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **APPROVED**.

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

The request was signed by Jill Gilbert Welytok on behalf of all attorneys 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 Jill Gilbert Welytok at the address indicated below.

There is an outstanding Office action mailed May 25, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Kimberly Watts**
314 E. Brown Street
Milwaukee, WI 53212

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
12/101,907	04/11/2008	Kimberly Watts	WATTS-NONP-0408

CONFIRMATION NO. 9145

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000043385674

Date Mailed: 09/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

- 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

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

MAILED

OCT 27 2011

OFFICE OF PETITIONS

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Kimberly WATTS : ON PETITION
Application No. 12/101,907 :
Filed: April 11, 2008 :
Atty. Docket No.: LENI-001-US

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 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 final Office action mailed May 25, 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. The application became abandoned August 26, 2010. A Notice of Abandonment was mailed January 12, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), RCE Fee, and submission under 37 CFR 1.114, (2) a petition fee of $930, and (3) a statement of unintentional delay. The reply to the final Office action 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 date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

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 3625 for further processing.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 15 2010

OFFICE OF PETITIONS

ROSSI KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE, SUITE 150
ASHBURN, VA 20147

In re Application of :
Hong-Fei Lu :
Application No. 12/102,000 : ON PETITION
Filed: April 13, 2008 :
Attorney Docket No. FUJI-0480

This is a decision on the petition, filed September 14, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED
DEC 19 2011
OFFICE OF PETITIONS

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Patent No. 7,824,588 :
Issued: November 2, 2010 :
Application No.: 12/102,071 : NOTICE
Filed: April 14, 2008 :
Attorney Docket No: **1199-4B/DIV** :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 12, 2011

TO SPE OF : ART UNIT 3751 SPE Gregory L. Huson.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/102,078 Patent No.: 8,016,505 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Should the formal drawings be approved as requested by applicant?
See COCIN dated 9-27-2011

Antonio Johnson

_____
Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

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

☑ **Approved** — **All** changes apply.

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

❑ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____ _____ **SPE** Gregory Huson **Art Unit** _____

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FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

MAILED
DEC 22 2010
OFFICE OF PETITIONS

In re Application of :
Stefan LANDAU, *et al.* :
Application No. 12/102,175 : DECISION GRANTING PETITION
Filed: April 14, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **I446.198.101/I0810US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 22, 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 the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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.
12/102,203	04/14/2008	Lawrence K. Pierce	1434-022	9725

32905 7590 08/23/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
08/23/2010	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):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 2 3 2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Lawrence K. Pierce
Serial No.: 12/102,203
Filed: April 14, 2008
Attorney Docket No.: 1434-022

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 28, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration under 37 CFR 1.132 submitted on July 28, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is DISMISSED. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/102,203	04/14/2008	Lawrence K. Pierce	1434-022	9725

32905 7590 05/05/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
05/05/2011	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 0 5 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:
Lawrence K. Pierce
Serial No.: 12/102,203
Filed: April 14, 2008
Attorney Docket No.: **1434-022**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 24, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 28, 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

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12102260
Filing Date	14-Apr-2008
First Named Inventor	Lee Kaplan
Art Unit	3773
Examiner Name	PHONG SON DANG
Attorney Docket Number	068992-0108
Title	SURGICAL INSTRUMENTS

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	/Jeffrey R. Lomprey/
Name	Jeffrey R. Lomprey
Registration Number	55401

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 9, 2012

In re Application of :

Lee Kaplan

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12102260

Filed : 14-Apr-2008

Attorney Docket No : 068992-0108

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 9, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 3773 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Application
Lee D. Kaplan
Application No. 12/102,260
Filed: April 14, 2008
Attorney Docket No. 068992-0108

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed February 21, 2012. Applicant requests that the determination of patent term adjustment be corrected from 590 to 702 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

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

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

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/28/10

TO SPE OF : ART UNIT 1784

SUBJECT : Request for Certificate of Correction for Appl. No.: 12102275 Patent No.: 7700203

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
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: _____

JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER
SPE

1784
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110225

DATE : February 25, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7840930

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:

Ok to enter Certificate of Correction filed 2/2/2011

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825

UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 14, 2012

Patent No. : 8,056,634 B2
Appl. No. : 12/102,507
Inventor(s) : David N. Spencer
Issued : November 15, 2011
Title : **OFF-CENTER RUNNING TOOL FOR SUBSEA TREE**
Docket No. : **V2006064**

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 mater, 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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314
(Hours of operation are 8:30 a.m. to midnight, Eastern Standard Time, Monday through Friday)

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

EFS-Web (Web-based Electronic Filing System) accessible through the Electronic Business Center (EBC);

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

Patent Department
GE Oil & Gas
4424 West Sam Houston Parkway North
Suite 100
Houston TX 77041

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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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Chin-Ming CHEN et al.	:	
Application No. 12/102,524	:	DECISION ON PETITION
Filed: April 14, 2008	:	
Attorney Docket No. 0941/2224PUS1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 May 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2011. Accordingly, the date of abandonment of this application is May 24, 2011.

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

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 30, 2011

DEAN D. SMALL
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

In re Application of	:	
Maria-Magdalena Nay et al.	:	**DECISION ON PETITION**
Application No. 12102531	:	
Filed: 04/14/08	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **230002 (553-1477)**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 23, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Young-Chun Jeung	:	
Application No. 12/102,539	:	DECISION ON PETITION
Filed: April 14, 2008	:	
Attorney Docket No. 1889.1003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings in a timely manner in response to the Notice of Allowability, mailed October 28, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 29, 2011. A Notice of Abandonment was mailed February 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 replacement drawings, (2) the petition fee of $810 , and (3) a proper statement of unintentional delay.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
SEP 27 2010
OFFICE OF PETITIONS

Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

In re Application of	:	
Vichai Jirathitikal, et al.	:	DECISION ON PETITION
Application No. 12/102,564	:	TO WITHDRAW
Filed: April 14, 2008	:	FROM RECORD
Attorney Docket No. 2917233-002001	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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 P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Patent of Ranganath et al. :
Patent No. 8,060,402 :
Issue Date: November 15, 2011 :
Application No. 12/102,622 :
Filing Date: April 14, 2008 :
Attorney Docket No. 16113-0606001 :

DECISION ON REQUEST
FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT

This is a decision on the petition filed January 13, 2012, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by five hundred eighty-eight (588) days.

The petition 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 the number of days beginning on July 29, 2011, the date of filing of the notice of appeal and ending on September 20, 2011, the subsequent date of the mailing of a notice of allowance. In other words, the period of B delay is 161 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 Fed. Reg. 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 37 C.F.R. § 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 C.F.R. § 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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: 2800/7	Application Number (if known): 12/102,664	Filing date: 04-14-2008

First Named Inventor: Sergey Frolov

Title: MULTI-JUNCTION SOLAR ARRAY

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /Stuart H. Mayer/	Date 7/28/10
Name (Print/Typed) Stuart H. Mayer	Registration Number 35,277

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

☑ *Total of 1 forms are submitted.

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

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

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.

Serial No.: 12/102,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sergey Frolov et al.

Serial No.: 12/102,664

Filed: 04-14-2008

Title: MULTI-JUNCTION SOLAR ARRAY

Art Unit: 1795

Examiner: Miriam Berdichevsky

Confirmation No.: 1568

Docket No.: 2800/7

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

Certificate of Electronic Transmission
Under 37 C.F.R. §1.8

I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-Web on 8/4/2010 .

Marjorie Scariati

(Printed Name of Person Sending Correspondence)

/Marjorie Scariati/

(Signature)

STATEMENT OF SPECIAL STATUS RE: PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This Statement of Special Status is accompanied by a Petition to Make Special Under the Green Technology Pilot Program.

Applicant submits that this application should be deemed eligible to participate in the Green Technology Pilot Program due to its subject matter. This application relates to renewable energy. Specifically, it relates to photovoltaic cells and systems incorporating such cells that can be used to convert solar energy to electrical and or/thermal energy.

CONCLUSION

The undersigned submits that all eligibility requirements have been met, specifically, the application was filed before December 9, 2009, has already been published, has not received a Restriction Requirement or Office Action on the merits to date, contains no more than three (3) independent claims and twenty (20) total claims, contains no multiple dependent claims, and a

Petition to Make Special and accompanying Statement of Special Status have been submitted herewith.

It is respectfully requested that the Petition to Make Special Under the Green Technology Pilot Program be granted, and the application advance to examination promptly upon the granting of said Petition. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

FEES

While it is not believed that any fees are due as a result of this Response, the Office is authorized to charge any fees required, to deposit account number 50-1047.

Respectfully submitted,

/Stuart H. Mayer/
Stuart H. Mayer
Registration No. 35,277

Attorney for Applicants
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel: 908-518-7700
Fax: 908-518-7795

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.
12/102,664	04/14/2008	Sergey Frolov	2800/7	1568

27774 7590 08/12/2010
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER
BERDICHEVSKY, MIRIAM

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/12/2010	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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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

AUG 12 2010

In re Application of	:	
Sergey Frolov et al.	:	DECISION ON PETITION
Application No. 12/102,664	:	TO MAKE SPECIAL UNDER
Filed: April 14, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2800/7	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 04, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/9/11

TO SPE OF : ART UNIT 3617

SUBJECT : Request for Certificate of Correction for Appl. No 12/102671 7878123

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? Yes

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

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

Comments: Mason 5,558,022 should be added to the References cited.

/Z. K./ Examiner, Art Unit 3617

SPE **Art Unit**

Formatted: Bullets and Numbering

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FOSTER PEPPER PLLC
1111 3RD AVENUE SUITE 3400
SEATTLE WA 98101-3299

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of
Jeffrey Williams
Application No. 12/102,721
Filed: April 14, 2008
Attorney Docket No. 206282-1002-101

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned September 13, 2011 for failure to timely reply to the Final Office Action mailed June 10, 2011 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained prior to the abandonment of the application. Accordingly, a Notice of Abandonment was mailed January 19, 2012.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114. Since the $1345.00 extension of time fee submitted with the petition on February 7, 2012 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded deposit account no. 06-1629.

This matter is being referred to Technology Center 2175 for processing of the RCE.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
Suite 500
3000 K Street NW
Washington, DC 20007

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Avik Ghosh, et al.	:	
Application No. 12/102,743	:	DECISION ON PETITION
Filed: April 14, 2008	:	TO WITHDRAW
Attorney Docket No. 093302-0100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **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 Gilberto M. Villacorta 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 Avik Ghosh at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Avik Ghosh**
2608 Anacapa
Irvine, CA 92602

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
12/102,743	04/14/2008	Avik Ghosh	093302-0100

CONFIRMATION NO. 1741

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000043385231

Date Mailed: 09/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

- 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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MAILED

JUN 13 2011

OFFICE OF PETITIONS

JEFFERY M. LILLYWHITE, PC
953 PIONEER RD. SUITE A
DRAPER, UT 84020-1113

In re Application of	:	
Douglas C. Terry, et al.	:	
Application No. 12/102,772	:	
Filed: April 14, 2008	:	ON PETITION
Attorney Docket No.: 11003.2.1	:	

This is a decision on the petition styled "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed March 2, 2011, which is being treated as a Petition to Withdraw the Holding of Abandonment under the provisions of 37 CFR 1.181(a) (no fee).

The petition, as construed, is **GRANTED**.

The application was held abandoned for a failure to timely reply to the final Office action, mailed May 28, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on December 2, 2010. In response, on March 2, 2011, the present petition was filed, wherein petitioner asserts, in effect, that the abandonment be withdrawn sincea reply was timely filed.

Petitioner argues that the only remaining issues in this application were non-statutory double patenting rejections and that a timely reply was filed in the form the terminal disclaimers filed on August 30, 2010, since August 28, 2010 was a Saturday. Petitioner notes that the terminal disclaimers were approved on September 30, 2010.

A review of the Official file record for this application confirms that the terminal disclaimers filed August 30, 2010 were timely, since August 28, 2010 was a Saturday. Accordingly, no abandonment existed on August 30, 2010, the date upon which a reply to the Office action of May 28, 2010 was filed.

The Notice of Abandonment mailed December 2, 2010 is hereby vacated.

In view of the above, the $810 petition fee submitted with the present petition is being refunded to counsel's credit card.

This application is being referred to Technology Center AU 3764 for withdrawing the holding of abandonment and for appropriate action by the examiner in the normal course of business regarding the reply received August 30, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : November 11,2011

In re Application of :

Douglas Terry

Application No : 12102772

Filed : 14-Apr-2008

Attorney Docket No : 11003.2.1

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed November 11,2011, to revive the above-identified application.

The petition is **GRANTED.**

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

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

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

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

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12102772
Filing Date	14-Apr-2008
First Named Inventor	Douglas Terry
Art Unit	3764
Examiner Name	JEROME DONNELLY
Attorney Docket Number	11003.2.1
Title	REINFORCED CORD WELL LIFTING BAR ASSEMBLY

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/jeffery m lillywhite/
Name	Jeffery M Lillywhite
Registration Number	53220

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Don D. Cha
225 Union Blvd
Suite 150
Lakewood CO 80228

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APR 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Park et al.	:	
Application No.: 12/102794	:	DECISION ON
Filing or 371(c) Date: 04/14/2008	:	PETITION
Attorney Docket Number: NSB-000110US	:	

This is a decision in response to the Petition for Revival of Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed March 18, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed August 26, 2010. The Office communication set a one (1) month or 30 day period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 27, 2010. A Notice of Abandonment was mailed March 18, 2011.

Applicant files the present petition and Amendment in response to the Office communication. The Examiner has approved the Amendment. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 1639 for processing of the reply to the Office communication filed with the petition in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of

SAUNDERS, Michael W. et al.
Application No. 12/102,832
Filed: April 14, 2008
Attorney Docket No. **IGAM.001C1D3**

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 11, 2011 and re-submitted on February 25, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

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

If an assignee has intervened in this application, then 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: **LEGAL IGAMING, INC.**
C/O SKLAR WILLIAMS LLP
8363 WEST SUNSET ROAD
SUITE 300
LAS VEGAS NV 89113

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MAY 06 2011

OFFICE OF PETITIONS

ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:	
Howard Glenn Damude et al.	:	DECISION ON PETITION
Application No. 12/102,979	:	TO WITHDRAW
Filed: April 15, 2008	:	FROM RECORD
Attorney Docket No. **035718/391342**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed April 25, 2011.

The request is **APPROVED**.

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

The request was signed by W. Murray Spruill on behalf of all attorneys of record who are associated with Customer Number 29122.

All attorneys/agents associated with Customer Number 29122 have been withdrawn.

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

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed November 18, 2010, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: E. I. du Pont de Nemours and Company
1007 Market Street
Wilmington, DE 19898

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SCHLUMBERGER TECHNOLOGY CORPORATION RTC
10001 RICHMOND AVENUE
IP ADMINISTRATION CENTER OF EXCELLENCE
HOUSTON TX 77042

In re Application of	:	
Ayan et al.	:	
Application No. 12/103,027	:	ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. 122.0008 US NP	:	

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

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Response under 37 CFR 1.116, (2) the petition fee of $1860.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1270.00 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 as authorized.

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

This matter is being referred to Technology Center AU 3674 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

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OCT 04 2011
OFFICE OF PETITIONS

In re Application of
Ciprian Chelba, et al.
Application No. 12/103,035
Filed: April 15, 2008
Attorney Docket No. 300896.07

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 25, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1860; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to 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 2626 for appropriate action by the Examiner in the normal course of business on the reply received September 28, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

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SCHLUMBERGER TECHNOLOGY CORPORATION
David Cate
IP DEPT., WELL STIMULATION
110 SCHLUMBERGER DRIVE, MD1
SUGAR LAND TX 77478

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OFFICE OF PETITIONS

In re Application of :
Boney et al. :
Application No. 12/103,041 :
Filed: April 15, 2008 :
Attorney Docket No. 56.1185 :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 July 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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.

This application is being referred to Technology Center AU 3672 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment and submitted in accordance with 37 CFR 1.114.

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

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,814,996
Issued: October 19, 2010
Application No. 12/103,061
Filed: May 15, 2008
Attorney Docket No. 205-0082US

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

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed October 20, 2010. Since the patent has now issued, the request is being treated under 37 CFR 1.705(d).

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 one hundred fifteen (115) days is **GRANTED to the extent indicated herein**.

On October 19, 2010, the above-identified application matured into U.S. Patent No. 7,814,996 with a revised patent term adjustment of 106 days. On October 27, 2010, patentees timely submitted this application for patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 115 days.

Applicants dispute the reduction of 9 days of PTA for applicant delay in filing an Information Disclosure Statement (IDS) on April 16, 2010 after the filing of a response to a non-final Office Action on March 17, 2010. Applicant argues that the IDS filed April 16, 2010 included a certification statement, pursuant to 37 C.F.R. § 1.704(d), and should "not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under 37 C.F.R. § 1.704(c)(8)."

A review of the record reveals that on March 17, 2010 applicants filed a response to the non-final Office action mailed January 15, 2010. Then on April 16, 2010, applicants filed the Information Disclosure Statement (IDS).

37 CFR 1.704 (c) provides that:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

The record does not support a conclusion that the IDS was expressly requested by the examiner. Accordingly, filing of the IDS may be considered a failure to engage and a proper basis for reduction.

However, the record supports a conclusion that the IDS was received April 16, 2010 with a 37 CFR 1.704(d) statement.

> 37 CFR 1.704(d) provides that a paper containing only an information disclosure statement in compliance with 37 CFR 1.97 and 1.98 will not be considered (result in a reduction) under 37 CFR 1.704(c)(6), 1.704(c)(8), 1.704(c)(9), or 1.704(c)(10) if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This provision will permit applicants to submit information first cited in a communication from a foreign patent office in a counterpart application to the Office without a reduction in patent term adjustment if an information disclosure statement is promptly (within thirty days of receipt of the first communication) submitted to the Office. Compliance with the statement requirement of 37 CFR 1.704(d) does not substitute for compliance with any relevant requirement of 37 CFR 1.97 or 1.98. 37 CFR 1.704(d) also provides that this thirty-day period is not extendableeply was expressly requested by the examiner, within the meaning of § 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, no reduction should have been taken for the filing of the IDS after the mailing of the response to the non-Final Office Action on March 17, 2010.

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

As such, the patent term adjustment is 115 (156 "A delay days"- 41 applicant delay days), not 106 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.

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 **one hundred fifteen (115)** days.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,814,996 B2

DATED : October 19, 2010

INVENTOR(S) : David Indrupskiy

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 (106) days

Delete the phrase "by 106 days" and insert – by 115 days--

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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Terry R. Colbert	:	
Application No. 12/103,062	:	ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No.: 2857	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a), filed September 14, 2011.

The petition is **GRANTED**.

The application was held abandoned for a failure to reply to the non-final Office action mailed December 9, 2010. A Notice of Abandonment was subsequently mailed on September 14, 2011.

In response, on September 14, 2011, the present petition was filed, wherein petitioner argues that the Notice of Abandonment was mailed in error. Petitioner explains that a timely response was filed on September 2, 2010 and May 9, 2011 to the two non-final Office actions. Accordingly, petitioner requests that the abandonment be withdrawn.

A review of the written record discloses that petitioner is correct. Specifically, in view of the non-final Office action mailed December 9, 2010, a response was due on or before March 9, 2011, with extensions of time available to the maximum period for response of June 9, 2011. The response filed May 9, 2011, included an appropriate petition for extension of time. Consequently, the Notice of Abandonment mailed September 14, 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 1638 for further consideration of the response filed May 9, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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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.
12/103,062	04/15/2008	Terry R. Colbert	2857	1267

27310 7590 02/21/2012
PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

EXAMINER
IBRAHIM, MEDINA AHMED

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
02/21/2012	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):

ginny.boesen@pioneer.com
toni.farris@pioneer.com
michelle.rees@pioneer.com

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JOHNSTON IA 50131-0552

In re Application of:
Terry R. Colbert
Serial No.: 12/103,062
Filed: April 15, 2008
Attorney Docket No.: **2857**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 11, 2012, 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 9, 2011 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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MURATA MANUFACTURING COMPANY, LTD.
C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE
SUITE 200
RESTON, VA 20191

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Daisuke Haga, et al. :
Application No.: 12/103,089 : ON PETITION
Filed: April 15, 2008 :
Attorney Docket No.: 36856.1612 :

This is a decision on the petition, filed August 13, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 27, 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 1791 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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MOORE AND VAN ALLEN PLLC FOR BOEING
430 DAVIS DRIVE
SUITE 500
MORRISVILLE NC 27560

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APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Jeong-Beom Ihn, et al.	:	
Application No. 12/103,118	:	DECISION GRANTING PETITION
Filed: April 15, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06-1083A.74	:	

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 February 18, 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 2856 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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Patent No. : 7697202
Ser. No. : 12/103241
Inventor(s) : YOSHIKAWA et al.
Issued : 04/13/2010
Title : SCREEN, FRESNEL LENS SHEET USED FOR THE SAME, AND IMAGE DISPLAY APPARATUS USING THE SAME
Docket No. : 520.44571VX1

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.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 9/23/2010

Address: Melvin Kraus
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, VA 22209

ts/md

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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
Ilan Ben-David, et al.
Application No. 12/103,269
Filed: March 15, 2008
Attorney Docket No. P-4293-US3

NOTICE

This is a notice regarding your communication for acceptance of a fee deficiency submission under 37 CFR 1.27(g)(2), which is being treated 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) 272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Substitute Form PTO-1449 (Modified) U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 18508-0008001	Application No. 12/103,281
Information Disclosure Statement by Applicant (Use several sheets if necessary)	Applicant Osman Kibar et al.	
(37 CFR §1.98(b))	Filing Date April 15, 2008	Group Art Unit ~~1626~~ 1628

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
R.S.	1	2005/0094144	05/05/2005	Gibbs et al.			
R.S.	2	2004/0241718	12/02/2004	McGown			
R.S.	3	6,288,206	09/11/2001	Stewart et al.			
	4						
	5						
	6						
	7						
	8						

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes	Translation No
	9							
	10							
	11							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
R.S.	12	Chankvetadze, B., "Enantioseparation of Chiral Drugs and Current Status of Electromigration Techniques in This Field", Journal of Separation Sciences, 2001, Volume 24, Issue 9, pages 691-705, October 25, 2001.
R.S.	13	Nakata, M., et al., "Electric-Field-Induced Chirality Flipping in Smectic Liquid Crystals: The Role of Anisotropic Viscosity", Physical Review Letters, Volume 96, 067802, pages 1-4, 2006, February 16, 2006.
R.S.	14	Copy of International Search Report and Written Opinion mailed November 7, 2008 in corresponding PCT application no. PCT/US2008/60444 (42 pages).
R.S.	15	Copy of U.S. Provisional application no. 60/912,309, filed on April 17, 2007, including copy of application as filed, transaction history from PAIR (PTO website).
R.S.	16	Copy of PCT application no. PCT/US2008/60444, filed on April 16, 2008, including copy of application as filed, transaction history from PAIR (PTO website).

Examiner Signature /Rei Tsang Shiao/	Date Considered ~~6/8/10~~ 3/10/11
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.S

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Paper No.

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Bertholdt et al. :
Application No. 12/103,286 : ON PETITION
Filed: April 15, 2008 :
Atty Docket No. MOH-P050166b :

This is in response to the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181" filed December 10, 2010.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed February 22, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply was filed on April 22, 2010. However, the amendment was not signed, and thus, was not entered. No further reply was filed and no extension of time was obtained. The application became abandoned effective May 23, 2010. A courtesy Notice of Abandonment was mailed on October 28, 2010.

Applicant's arguments have been considered, but not found persuasive to withdraw the holding of abandonment. As only an unsigned amendment was filed, the application was properly held abandoned.

When an unsigned or improperly signed amendment is received the amendment will be listed in the contents of the application file, but not entered. The examiner will notify applicant of the status of the application, advising him or her to furnish a duplicate amendment properly signed or to ratify the amendment already filed. In an application not under final rejection, applicant should be given a 1-month time period in which to ratify the previously filed amendment (37 CFR 1.135(c)). However, the practice under 37 CFR 1.135(c) of giving applicant a time period to supply an omission in a *bona fide* reply does not apply after a final Office action. Thus, in this instance,

filing of an unsigned amendment did not operate to avoid abandonment of this application. (It is noted that submission of a signed amendment (or other proper response) is still required).

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicant may seek revival under the provisions of 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED
JUL 07 2011
OFFICE OF PETITIONS

In re Application of :
Bertholdt et al. :
Application No. 12/103,286 : ON PETITION
Filed: April 15, 2008 :
Atty Docket No. MOH-P050166b :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 19, 2011. This decision also responds to the REQUEST FOR REFUND filed June 8, 2011.

The request for refund of the extension of time fee is **GRANTED**.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned effective May 23, 2010 for failure to timely file a proper reply to the final Office action mailed February 22, 2010. A courtesy Notice of Abandonment was mailed on October 28, 2010. By decision mailed December 20, 2010, a prior petition filed December 10, 2010 to withdraw the holding of abandonment was dismissed. Then, on December 29, 2010, a LETTER RESCINDING THE HOLDING OF ABANDONMENT was mailed in error. The Notice of abandonment was re-mailed on May 13, 2011.

In response, applicant filed the instant petition. The petition includes payment of the petition fee and the required statement

of unintentional delay. A proposed reply in the form of a signed amendment was filed on May 19, 2011.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed;
> (2) The petition fee as set forth in § 1.17(m);
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). However, the instant petition does not satisfy requirement (1) above.

As stated in MPEP 711.03(c),

A reply under 37 CFR 1.113 to a final action must include a request for continued examination (RCE) under 37 CFR 1.114 or cancellation of, or appeal from the rejection of, each claim so rejected. Accordingly, in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be:

> (A) a Notice of Appeal and appeal fee;
> (B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;
> (C) the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995 (see paragraph (d) below); or

(D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

The amendment submitted does not place the application in condition for allowance. The examiner's Advisory Action is enclosed. In view thereof, the petition must be dismissed.

With respect to the request for refund, pursuant to an authorization accompanying the amendment filed April 21, 2011, an extension of time fee was charged. However, this filing occurred outside of the maximum period for reply. 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 $130 extension of time fee submitted with the amendment on April 21, 2011 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and has been refunded.

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

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

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

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

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

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/103,286	Applicant(s) BERTHOLDT ET AL.	
	Examiner ERIC GOLIGHTLY	Art Unit 1714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☒ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1 and 4-20*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michael Kornakov/
SPE, AU 1714

/E. G./
Examiner, Art Unit 1714

Continuation of 3. NOTE: The proposed amendment includes the new features of introducing a gas into a primary circuit of a pressurized water reactor which raises the issue of new matter and requires at least further consideration and possibly further search. As such, the proposed amendment is not entered.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that: a) the applied art does not teach or suggest a method wherein the decontamination takes place within a primary circuit of a pressurized water reactor; and b) that it is impossible that steam is present in the method of the applied art.

Applicants argument is not persuasive since: a) SU 1273404 to Kamenev et al. (assignee Belo Nuclear Power) discloses treatment of an oxide layer on a metal surface with nitrogen oxide and water. When faced with the problem of needing to treat an oxide layer in a primary cirucuit of a pressurized water reactor, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of the applied art to treat the oxide layer to yield predictable results since the method of the applied art would perform the same function; and b) the applied art discloses water at 150 deg C and 0.3 mPa (note Rule 132 declaration filed 12/5/2008, eighth page, paragraph beginning "(57)", under which conditions water the is steam).

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Paper No.

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
Bertholdt et al. :
Application No. 12/103,286 : ON PETITION
Filed: April 15, 2008 :
Atty Docket No. MOH-P050166b :

This is in response to the RENEWED PETITION UNDER 37 CFR 1.137(b) filed July 15, 2011.

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

The above-identified application became abandoned effective May 23, 2010 for failure to timely file a proper reply to the final Office action mailed February 22, 2010. A courtesy Notice of Abandonment was mailed on October 28, 2010. By decision mailed December 20, 2010, a prior petition filed December 10, 2010 to withdraw the holding of abandonment was dismissed. Then, on December 29, 2010, a LETTER RESCINDING THE HOLDING OF ABANDONMENT was mailed in error. The Notice of abandonment was re-mailed on May 13, 2011. By decision mailed July 7, 2011, the initial petition to revive filed May 19, 2011 was dismissed. The proposed reply in the form of a signed amendment filed May 19, 2011 was determined not to be sufficient to meet the reply required element of 37 C.F.R. § 1.137(b)(1) as it did not place the application in condition for allowance.

On instant renewed petition, petitioner filed the required reply in the form of a request for continued examination (RCE) and (RCE fee), with the submission under 37 CFR 1.114 being the previously submitted amendment. All requirements for revival have now been met.

Technology Center AU 1714 has been advised of this decision. The application is, thereby, forwarded to the examiner for

consideration of the RCE and (previous) submission submitted on July 15, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/103,414	04/15/2008	Hajime SAKAMOTO	323291US53DIV	1892

22850 7590 04/05/2012
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ANGWIN, DAVID PATRICK

ART UNIT	PAPER NUMBER
3729	

NOTIFICATION DATE	DELIVERY MODE
04/05/2012	ELECTRONIC

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

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

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

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

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

In re Application of:
SAKAMOTO, HAJIME et al
Serial No.: 12/103,414
Filed: April 15, 2008
Docket: 323291US53DIV
Title: MULTILAYER PRINTED CIRCUIT BOARD AND MULTILAYER PRINTED CIRCUIT BOARD MANUFACTURING METHOD

DECISION ON PETITION TO CONSIDER IDS and RETURN INITIALED IDS FORM 1449

This is a decision on the petition filed on March 30, 2012 to request the examiner to properly consider the references cited and initial the IDS Form 1449 filed on October 1, 2009.

The petition is **GRANTED**.

In the petition the applicant requested the Information Disclosure Statement filed October 1, 2009 be acknowledged and considered. Since the examiner has not done so during the examination of the application, the examiner is now directed to consider and initial each of the items listed on the Form PTO 1449 in accordance with U.S. patent practice and procedure (MPEP 609). Accordingly, the petition is granted.

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

for

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JAN 20 2011
OFFICE OF PETITIONS

MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST
ALEXANDRIA, VA 22314

In re Application of	:	
Hazan et al.	:	
Application No. 12/103,479	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. GIL.001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

This application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 4, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of $270, (2) the petition fee of $810 and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3764 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.
400 CAPITOL MALL
SUITE 1550
SACRAMENTO CA 95814

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Ciurea et al.	:	
Application No. 12/103,501	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. SONY.133A	:	
(50X9153.01)		

This is a decision on the petitions under 37 CFR 1.181, requesting withdrawal of the holding of abandonment and under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011 in the above-identified application.

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

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

This application was held abandoned for failure to reply to the non-final Office action mailed, September 20, 2010, which set a shortened statutory period for reply of three (3) months.

Petitioner requests a petition to withdraw holding of abandonment "based on failure to receive the Office Action mailed 09/20/2010." Further, petitioner asserts that "I am the sole individual in the firm who opens correspondence from the USPTO." Wherein, petitioner further asserts the he reviews the printed docket for accuracy and assigns "the file to an attorney in the firm to report receipt of the communication if appropriate." Additionally, petitioner has included "a copy of the record(s) used by our firm where the non-received Office action would have been entered had it been received."

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the September 20, 2010 Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

> (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.

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

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

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

The petition fails to satisfy item (3) of the above-stated requirements.

In this regard, petitioner has failed to submit a copy of the master docket for the firm showing records that identify by either application number or docket number the entries listed, as required by MPEP 711.03(c).

Accordingly, absent the required evidence to establish nonreceipt of the September 20, 2010 Office action, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time. Therefore, the petition to withdraw the holding of abandonment is dismissed.

The petition does satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay. Therefore, the petition to revive under 37 CFR 1.137(b) is granted.

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

This application is being referred to Technology Center AU 2622 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitioners 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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OCT 0 1 2010

Law Office of J. Nicholas Gross, Prof. Corp.
P.O. Box 9489
Berkley, CA 94709

In re Application of	:	
Bryan Dunkeld et al.	:	
Application No. 12/103,604	:	DECISION ON PETITION
Filed: April 15,2008	:	UNDER 37 CFR §1.181
For: DIGITAL MEDIA ASSET CONVERSION	:	
SYSTEM AND METHOD	:	

This is a decision on applicant's communication denominated "PETITION TO CORRECT ERRORS AND RE-ISSUE OFFICE ACTION" received September 17, 2010, which will be treated as a petition requesting supervisory review under 37 CFR 1.181.

Petitioner requests that a new, timely and complete non-final Office action be reissued because the final Office action mailed September 16, 2010 is incomplete. Petitioner further argues that the finality of the September 16, 2010 Office action is also improper.

The petition is **GRANTED to the extent indicated below.**

Relevant Rules and Procedures

37 CFR § 1.104 Nature of examination.

...

(b) Completeness of examiner 's action . The examiner 's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

(c) Rejection of claims.

(1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is

complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. **The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.**

MPEP 706.02(j) [R-6] Contents of a 35 U.S.C. 103 Rejection

35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made**.

Discussion

With regards petitioner's assertion that the Office action mailed September 16, 2010 is incomplete, a review of the Office action indicates that claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. in view of Cooper et al. In paragraph number 6 the examiner makes reference to claims 1-28 (i.e., "[a]s per claims 1-28") and in paragraph lettered I, the examiner makes reference to claims 15-21. However, no where in the Office action has the examiner addressed how the combination of Hunter and Cooper renders claims 29-31 unpatentable. Thus, per 37 CFR 1.104, the pertinence of Hunter and Cooper has not been clearly explained with regards to claims 29-31.

The Office action further indicates that Hunter discloses an invention comprising "software routine adapted to set up an account for a first customer" and a "control transfer of said digital asset to said second computer". However, no where in the claims is there recited an invention comprising "software routine adapted to set up an account for a first customer" or a "control transfer of said digital asset to said second computer". The rejection of the claims is improper as the examiner has failed to properly set forth the relevant teachings of the prior art relied upon and the differences in the claims over the applied references. Accordingly the examiner has failed to provided a complete action in accordance with 37 CFR 1.104. .

With regards to petitioner's arguments that the finality of the Office action mailed September 16, 2010 is improper, the issue is moot since the Office action is incomplete.

Accordingly, the Office action mailed September 16, 2010 is hereby withdrawn. The application will be returned to the examiner to issue a new non-final Office action properly treating claims 1-31.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.

Wynn Coggins, Director
Patent Technology Center 3600
Telephone No.: (571) 272-5350

WG/tl: 9/30/10
TL

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Patent No. : 7,999,090 B2
Ser. No. : 12/103,607
Inventor(s) : Tsukahara et al.
Issued : Aug. 16, 2011
Title : FUNGAL CELL WALL SYNTHESIS GENE
Docket No. : 88265-746759
Re: Request for Certificate of Correction

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

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

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

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

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

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

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

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

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

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12103617
Filing Date	15-Apr-2008
First Named Inventor	Richard Fitzpatrick
Art Unit	3641
Examiner Name	BRET HAYES
Attorney Docket Number	GDRMF01C3
Title	AMMUNITION MAGAZINE

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/GEDobbinEsq/
Name	Geoffrey E. Dobbin
Registration Number	42490

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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Decision Date : May 5,2011

In re Application of :

Richard Fitzpatrick

Application No : 12103617

Filed : 15-Apr-2008

Attorney Docket No : GDRMF01C3

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 5,2011 , 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 Patent Publication.

Office of Petitions

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United States Patent and Trademark Office
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DEC 09 2010
OFFICE OF PETITIONS

Charles A. Rattner
23 Adams Lane
Norwalk, CT 06850-1314

In re Application of	:	
Kenneth Tola et al.	:	
Application No. 12/103,619	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. TOLA-1-1001	:	

This is a decision on the petition filed August 17, 2010 by Charles Rattner and the petition filed October 7, 2010 by the firm of Black Lowe & Graham.

Petition under 37 CFR 1.181 filed August 17, 2010

This petition is being treated as four separate petitions:

1. Petition under 37 CFR 1.181 requesting the right of the assignee to conduct prosecution of the instant application.

2. Petition under 37 CFR 1.59 to expunge papers from the file.

3. Petition to restrict access to the file which is treated as a petition under 37 CFR 1.14.

4. Petition under 37 CFR 1.103(a) for suspension of action.

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

The petition under 37 CFR 1.59 is **DISMISSED**.

The petition under 37 CFR 1.14 is **DIMISSED**.

The petiion under 37 CFR 1.103(a) is **DIMISSED**.

As to the petition under 37 CFR 1.181:

At items 1-3) petitioner requests that the power of attorney granted to the firm of Black Lowe and Graham (Black) be revoked as it was improperly granted and power of attorney be reestablished with Charles Rattner, the attorney representing the assignee of record.

A review of the relevant facts of the record indicates the following:

> The instant application was filed April 15, 2008 showing Kenneth Tola (Tola) and Earl Grant-Lawrence (Lawrence) as co-inventors. A declaration and power of attorney was filed December 5, 2008 indicating Tola and Lawrence as the co-inventors and power of attorney being given to Black.
>
> An assignment document was recorded August 30, 2009, signed by both Tola and Lawrence, assigning their interest in the above identified application to Campaignlocal Inc.
>
> On October 21, 2009 a power of attorney was filed by Hamor as president of Campaignlocal, the assignee of record. A statement under 37 CFR 3.73(b) was included. A notice mailed November 4, 2009 acknowledged that the power of attorney was granted to Rattner and revoked from Black.
>
> A corrective assignment document was recorded June 17, 2010 indicating that there was no proper assignment of the instant application and that Tola and Lawrence had not assigned this application to Campaignlocal.
>
> On June 24, 2010 a new power of attorney was filed by Tola and Lawrence revoking the power of attorney to Rattner and giving Black power of attorney. A notice was mailed July 6, 2010 granting this request for change in power of attorney.
>
> The instant petition under 37 CFR 1.181 was filed August 17, 2010 by Rattner.

The power of attorney filed by the assignee of record, Campaignlocal, on October 21, 2009 was properly filed, meeting all the requirements for the assignee of record to establish a power of attorney as set forth in 37 CFR 3.73(b). The power of attorney filed on June 24, 2010 by the two co-inventors Tola and Lawrence, was improper. The corrective assignment document recorded June 17, 2010 was not a reassignment of the application, only the assignee of record, Campaignlocal, has the authority to reassign the application. Since the request for revocation of power of attorney and new power of attorney filed by the co-inventors, on June 24, 2010 was not in compliance with 37 CFR 3.71(a), it should not have been approved.

The power of attorney to Black Lower & Graham, PLLC is revoked. The power of attorney and change of correspondence address to Charles A. Rattner is restored.

With the above noted acceptance of power of attorney to Rattner, petitioner once again has the authority to conduct prosecution of this application.

As to the petition under 37 CFR 1.59:

Item 4) of the petition requests expungement of certain papers in the application file. The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to expunge information from an application. In this instance, the fee required by law is $200.

The petition in the above identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

As to the petition under 37 CFR 1.14:

The petition, at item 5) requests that inventors Tola and Lawrence and their representatives from Black be prevented from further access to the application or to direct prosecution thereof. MPEP 106 sets forth that after publication of an application, the application will be available to the public which includes the inventors and their representative. The instant application was published on March 26, 2009 and thus this request is dismissed as being untimely.

As to the petition under 37 CFR 1.103(a):

Item 6) of the petition requests suspension of proceedings in this application pending the Director's decision on this petition due to the fact that the time for a response to the final Office action of June 8, 2010 is presently tolling. A request for suspension of action is a petition filed under 37 CFR 1.103(a). Paragraph (a) clearly states that the Office will not suspend action if a reply by applicant is outstanding. As the basis for this petition is to allow applicant time to respond to the final Office action of June 8, 2010, the requirements of paragraph (a) have not been met and the petition is dismissed. The application is currently awaiting action by the examiner in response to the Request for Continued Examination, filed August 10, 2010.

Petition under 37 CFR 1.181 filed October 7, 2010

Petitions to expunge documents from an application are filed under 37 CFR 1.59.

37 CFR 1.59 states in part:

§ 1.59 Expungement of information or copy of papers in application file.

> (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

This petition lacks item (b). This petition was filed on behalf of the two co-inventors as represented by Black. The "applicant" in this application is the assignee, Campaignlocal. When the co-inventors Tola and Lawrence assigned this application to Campaignlocal they transferred all rights, title and interest in the application. They are no longer the applicant and do not have the right to file this petition. Further, the required petition fee under 37 CFR 1.17(g) was not provided. The petition is dismissed.

This application is being forwarded to Technology Center Art Unit 2448 for consideration of the RCE in due course.

Any questions concerning this decision may be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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

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

MAILED
MAR 04 2011
OFFICE OF PETITIONS

In re Application of :
Kenneth Tola et al. :
Application No. 12/103,619 : DECISION ON PETITION
Filed: April 15, 2008 :
Attorney Docket No. TOLA-1-1001 :

This is a decision on the renewed petition filed January 27, 2011 which is being treated as a request under 37 CFR 1.181for reconsideration of the petition decision mailed December 9, 2010.

The renewed petition requests confirmation that the inventors Tola and Grant-Lawrence never assigned the above identified application and that they should have their rights to act in this application restored.

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

Petitioner argues that the previous decision mailed December 9, 2010 revoking the power of attorney to Black Lower & Graham, PLLC who represent the inventors was made in error. Petitioner points out that the decision did not correctly apply the requirements of MPEP 306.01 which states in relevant part:

> **306.01 [R-3] Assignment of an Application Claiming the Benefits of a Provisional Application**
>
> If an application claiming the earlier filing date of a provisional application includes subject matter that is not common with subject matter of the provisional application, new assignment papers must be recorded for the application claiming the benefit of the provisional application similar to the practice with respect to continuations-in-part filed under 35 U.S.C. 120.

The instant application claims benefit to provisional application SN 60/912,203. An assignment in application SN 12/103,619 was recorded on August 30, 2009. This assignment included a cover sheet form PTO-1595 identifying the patent application as 12/103,619 (Priority to Prov.

Pat. Appl. Ser. No. 60/912,203). The assignment document attached thereto is a copy of the assignment document identifying patent application 60/912,203. There is no reference to application 12/103,619.

A comparison of the subject matter in the provisional application 60/912,203 and the non-provisional application 12/103,619 indicates that the non-provisional application contains subject matter which is not disclosed in the provisional application and thus there is subject matter not common to both applications. Therefore, the requirements of MPEP 306.01 must be met and applicants should have filed a new assignment document, not a copy of the assignment document referencing only the provisional application. As noted by petitioner, the assignment cover sheet, PTO-1595, even though it references the non-provisional application, is not the actual assignment document. Therefore, the assignment to Campaignlocal, recorded at Reel/Frame 023160/0130 does not give Campaignlocal the authority to act as the assignee with the entire right, title and interest in application SN 12/103,619 such that Campaignlocal can take action in application SN 12/103,619 in accordance with 37 CFR 3.54. For this reason, the petition is **granted**.

The power of attorney to Charles Rattner, as requested by the alleged assignee, Campaignlocal, was granted in error and is revoked. The power of attorney to Black Lower & Graham, PLLC is granted.

This application is being forwarded to Technology Center Art Unit 2448 for consideration of the RCE in due course.

Any questions concerning this decision may be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: CHARLES A. RATTNER
23 ADAMS LANE
NORWALK CT 06850-1314

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JULIA CHURCH DIERKER
DIERKER & ASSOCIATES, P.C.
3331 W. BIG BEAVER RD. SUITE 109
TROY MI 48084-2813

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
George V. Mignon	:	
Application No. 12/103,657	:	DECISION ON PETITION
Filed: April 15, 2008	:	TO WITHDRAW
Attorney Docket No. GSL-100-A (D-07003A)	:	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 Julia Church Dierker on behalf of all attorneys/agents of record. All attorneys/agents of record 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: George V. Mignon
Genesis Solar, LLC
1625 N. Alvernon Way
Tucson, AZ 85712

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/103,657	04/15/2008	George V. Mignon	GSL-100-A (D-07003A)

CONFIRMATION NO. 2380

POWER OF ATTORNEY NOTICE

29296
JULIA CHURCH DIERKER
DIERKER & ASSOCIATES, P.C.
3331 W. BIG BEAVER RD. SUITE 109
TROY, MI 48084-2813

OC000000046794873

Date Mailed: 03/28/2011

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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OFFICE OF PETITIONS

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

In re Application of
Qi Wang
Application No. 12/103,701
Filed: April 15, 2008
Attorney Docket Number:
83778-741055_028300US

ON PETITION

This is a decision on the petition, filed December 8, 2011 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned November 29, 2011 for failure to pay the issue fee in response to the Notice of Allowance mailed on August 26, 2011. The instant petition precedes the Notice of Abandonment filed mailed December 14, 2011.

The issue fee in the amount of $1740, publication fee in the amount of $300 and the petition fee in the amount of $1860 have been charged to the credit card provided.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

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SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Wei Lai et al.	:	
Application No. 12/103,712	:	DECISION ON PETITION
Filed: April 16, 2008	:	
Attorney Docket No. 322863.01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 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 August 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 27, 2011. Accordingly, the date of abandonment of this application is August 30, 2011. A Notice of Abandonment was mailed on September 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $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
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RODNEY T. HODGSON, PH.D.
822 PINESBRIDGE RD
OSSINING NY 34113

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Martyn SLOSS	:	
Application No. 12/103,839	:	DECISION ON PETITION
Filed: April 16, 2008	:	
Attorney Docket No. 908-005	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 7, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 8, 2008.

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

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

This application is being referred to the Office of Data Management for further pre-examination processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON TX 77070

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of	:	
ROBB, et al	:	
Application No. 12/103,939	:	DECISION ON PETITION
Filed: April 16, 2008	:	TO WITHDRAW
Attorney Docket No. P001600-FCA-CHE	:	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 4, 2011.

The request is **NOT APPROVED.**

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

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

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

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

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

cc: GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
PO BOX 300
DETROIT, MI 48265-3000

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.
12/103,973	04/16/2008	Ryuji Sakai	008312-0369723	3012

7590 05/03/2011
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
AN, MENG AI T

ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
05/03/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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AUG 12 2010

OFFICE OF PETITIONS

DOT HILL SYSTEMS CORPORATION
1351 South Sunset Street
Longmont CO 80501

In re Application of	:	
Paul Andrew Ashmore et al.	:	
Application No. 12/103987	:	ON PETITION
Filed: April 16, 2008	:	
Attorney Docket No. DHP0051 US	:	

This is a decision on the Petition to Expunge Under 37 CFR 1.59 filed February 23, 2010, requesting that a preliminary amendment be expunged from the record.

The petition under 37 CFR 1.59 is **DISMISSED**.

The instant petition indicates that a first preliminary amendment was filed April 16, 2008 and a later preliminary amendment was filed February 18, 2009. Petitioner states that since the second amendment did not include the changes made in the first amendment, that it is requested that the amendment filed April 16, 2008 be expunged.

A review of the file record shows that a non-final Office action was mailed January 28, 2010 which was responsive to both preliminary amendments.

37 CFR 1.59 provides for the applicant's request for expungement of information in a patent application, other than the original papers upon which the filing date was granted. However, under the terms of the rule, petitioner "must ...establish to the satisfaction of the Director that the expungement of the information is appropriate..." See 37 CFR 1.59(b). Under the circumstances of this case, petitioner has not met his burden of proof.

The MPEP makes clear that the expungement of record information should occur in very limited situations. See MPEP § 724.05. That particular section of the MPEP and referenced-sections (e.g., MPEP § 724.02) address the following types of information as subject (or susceptible) to possible expungement:

1) trade secret information;
2) proprietary information;
3) protective order material;

4) unintentionally-submitted information; and
5) information submitted in a wrong application.

The above situations are the only known types of circumstances which have led to information expungement. Clearly none of the above apply here. Petitioner has not alleged that the preliminary amendment filed April 16, 2008 includes any trade secret, is proprietary in nature or is subject to a protective order.

Should petitioner consider the filed responses as unintentionally-submitted information, it should be noted that MPEP 724.05 II. (B) requires:

> It is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

Petitioner made no such statement in the petition. There is no indication of any irreparable harm to the party that submitted the amendment.

Further, since the non-final Office action mailed January 28, 2010 was responsive to both preliminary amendments, expungement of the first preliminary amendment would create an incomplete file record.

For the reasons given above, the petition under 37 CFR 1.59 to expunge the preliminary amendment filed April 16, 2008, is **dismissed**.

The fee for a petition filed under 37 CFR 1.59 has been charged to petitioner's deposit account.

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

Carl Friedman
Petitions Examiner
Office of Petitions

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.
12/103,990	04/16/2008	Robert P. Morris	I279C/US	3043

49278 7590 11/03/2010
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
TOWFIGHI, AFSHAWN M

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
11/03/2010	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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Alexandria, VA 22313-1450
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NOV 03 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of: MORRIS, ROBERT P.
Application No. 12103990
Filed: April 16, 2008
For: SYSTEM AND METHODS FOR SENDING AN IMAGE FROM A COMMUNICATION DEVICE

DECISION ON PETITION UNDER 37 C.F.R. § 1.103(a)

This is a decision on the petition filed October 28, 2010, for suspension of prosecution under 37 CFR § 1.103(a.

The petition is GRANTED.
Pursuant to applicant's request filed on October 28, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.
Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a deduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).
Any inquiry concerning this decision should be directed to the undersigned at 571) 272-3088 or Beatriz Prieto whose telephone number is (571) 272-3902.

/Hassan Kizou/
Hassan Kizou
WQAS, Technology Center 2400

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.
12/103,990	04/16/2008	Robert P. Morris	I279C/US	3043

49278 7590 08/02/2011
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
TOWFIGHI, AFSHAWN M

ART UNIT	PAPER NUMBER
2469	

MAIL DATE	DELIVERY MODE
08/02/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Scenera Research, LLC
Jenkins, Wilson, Taylor & Hunt, P.A.
5400 Trinity Road
Suite 303
Raleigh NC 27607

MAILED

AUG 02 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of:
Morris
Appl. No.: 12/103,990
Filed: April 16, 2008
For: **SYSTEM AND METHODS FOR SENDING AN IMAGE FROM A COMMUNICATION DEVICE**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on February 23, 2011. This is the third petition for suspension. The second suspension was filed on October 28, 2010 and Granted on November 3, 2010. The first suspension was filed on April 5, 2010 and Granted on April 28, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on February 23, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from July 29, 2011. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Christopher Grant whose telephone number is (571) 272-7294.

/Christopher Grant/
Christopher Grant, WQAS
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Sidney Edward Martin III, et al.	:	
Application No. 12/104,080	:	DECISION ON PETITION
Filed: April 16, 2008	:	TO WITHDRAW
Attorney Docket No. N0494.70000US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 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 Steven J. Henry on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed June 1, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Northeast Maritime Institute, Inc.**
32 Washington Street
Fairhaven, MA 02719

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
12/104,080	04/16/2008	Sidney Edward Martin III	N0494.70000US01

CONFIRMATION NO. 3222

POWER OF ATTORNEY NOTICE

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000043387410

Date Mailed: 09/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/06/2010.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120405

DATE : April 05, 2012

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7,705,481

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:

Drawing Changes are acceptable.

/TULSIDAS C PATEL/
Supervisory Patent Examiner.Art Unit 2833

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WOLF GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

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SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Sidney Edward Martin III, et al.	:	
Application No. 12/104,152	:	DECISION ON PETITION
Filed: April 16, 2008	:	TO WITHDRAW
Attorney Docket No. N0494.70001US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 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 Steven J. Henry 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: **Northeast Maritime Institute, Inc.**
32 Washington Street
Fairhaven, MA 02719

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
12/104,152	04/16/2008	Sidney Edward Martin III	N0494.70001US01

CONFIRMATION NO. 3351

POWER OF ATTORNEY NOTICE

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000043386956

Date Mailed: 09/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/06/2010.

- 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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United States Patent and Trademark Office
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Nixon Peabody LLP (F5 PATENTS)
Gunnar G. Leinberg
1100 Clinton Square
Rochester NY 14604

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of
Lacapra et al.
Application No. 12/104,197
Filed: April 16, 2008
Attorney Docket No. 3193/129

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 6, 2009.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

In regard to the declaration filed concurrently with the instant petition, it is noted that the legal representative of the decedent has improperly affixed her name in the inventors' signature block. Petitioner may wish to modify the "Declaration and Power of Attorney" to state: "Joint Inventor _____ (deceased), late a citizen of _____ and resident of _____, Legal Representative _____citizen of _____ and resident of _____, and the representative should then sign her name in her space; the space for the deceased inventor's signature must remain blank. The supplemental declaration should identify the application number and filing date of the application. A supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64, as set forth above, is **REQUIRED**.

The $200 petition fee is unnecessary for this renewed petition and is being refunded to the Deposit Account 14-1138, as authorized.

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

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

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DIW Jun-11

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JUN 03 2011
OFFICE OF PETITIONS

BANNER & WITCOFF , LTD
ATTORNEYS FOR CLIENT NUMBER 007412
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
Masonis et al.	:	
Application Number: 12/104,217	:	DECISION GRANTING PETITION
Filing Date: 04/16/2008	:	
Attorney Docket Number:	:	
007412.00041	:	

This is a decision in reference to the petition under 37 CFR 1.183, filed on April 20, 2011, which is treated as a petition seeking waiver of 37 CFR 1.131 in that it requires that a declaration filed thereunder be signed by all inventors.

The petition is **GRANTED**.

Petitioners have shown that inventor Sean Parker has been sent, via email, a copy of the declaration under 37 CFR 1.131. The inventor stated by email message in reply that he would review the declaration and respond to counsel. However, the inventor failed, despite repeated requests, to sign and return the declaration under 37 CFR 1.131.

In view of the efforts recounted to obtained the signature of joint inventor Sean Parker, it is agreed that justice would be served by waiving the requirement for his signature on the declaration filed under 37 CFR 1.131.

Receipt of the petition fee is acknowledged.

The application is referred to Technology Center Art Unit 2443 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BROUILLETTE & PARTNERS
METCALFE TOWER
1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6
CANADA

MAILED
SEP 21 2010
OFFICE OF PETITIONS

In re Application of :
Jean Dobey Ourega : DECISION ON PETITION
Application No. 12/104,262 :
Filed: April 16, 2008 :
Attorney Docket No. 1601-011-US:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed February 25, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed July 6, 2009. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned October 7, 2009. A courtesy Notice of Abandonment was mailed on February 5, 2010.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 3625 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed February 25, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Jean Dobey Ourega	:	DECISION ON PETITION
Application No. 12/104,262	:	TO WITHDRAW
Filed: April 16, 2008	:	FROM RECORD
Attorney Docket No. **1601-011-US**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 26, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration for Utility or Design Patent Application and Power of Attorney filed June 10, 2008.

It is also noted that the change of correspondence address I considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Jean Dobey Ourega	:	DECISION ON PETITION
Application No. 12/104,262	:	TO WITHDRAW
Filed: April 16, 2008	:	FROM RECORD
Attorney Docket No. **1601-011-US**	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 28, 2011.

The request is **NOT APPROVED**.

The request still cannot be approved because the change of correspondence address I considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of
Jean Dobey Ourega
Application No. 12/104,262
Filed: April 16, 2008
Attorney Docket No. **1601-011-US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 28, 2011.

The request is **APPROVED**.

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

The request was signed by Robert Brouillette on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time. All future correspondence will be directed to the first named inventor Jean Ourega at the address list listed in the request.

There is an outstanding Office action mailed April 27, 2011, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Jean Ourega
3064 Jacques-Lauzon
Verdun, Quebec H4G 3M8 Canada

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/104,262	04/16/2008	Jean Dobey Ourega	1601-011-US

CONFIRMATION NO. 3551

POWER OF ATTORNEY NOTICE

56535
BROUILLETTE & PARTNERS
377 de la Commune West
Montreal, QC H2Y 2E2
CANADA

OC000000051078380

Date Mailed: 11/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2011.

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

/jlburke/

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

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DAVID P. COOPER
Kolisch Hartwell, P.C.
200 Pacific Building
520 S.W. Yamhill Street
Portland OR 97204

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Martin J. Smilktein	:	
Application No. 12/104,267	:	ON PETITION
Filed: April 16, 2008	:	
Attorney Docket No. KT301CON	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 22, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). 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 March 23, 2010. The Notice of Abandonment was mailed July 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1612 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown NJ 07962-2245

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
David Lazarovich et al. :
Application No. 12/104,273 : DECISION ON PETITION
Filed: April 16, 2008 :
Attorney Docket No. **H0017563-3134** :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 16, 2011. Accordingly, the date of abandonment of this application is May 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Michael A. Shimokaji
8900 Reasearch Drive
Irvine, CA 92618

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SEP 22 2011
OFFICE OF PETITIONS

Jones Day
222 East 41st Street
New York NY 10017-6702

In re Patent No. 7, 981,888	: DECISION ON REQUEST
Song, et al.	: FOR
Issue Date: July 19, 2011	: RECONSIDERATION OF
Application No. 12/104,319	: PATENT TERM ADJUSTMENT
Filed: April 16, 2008	: and
Atty Docket No. 8798USO1	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 19, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by fifty-three (53) 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-three (53) days. is **GRANTED**.

The Office acknowledges receipt of $200.00 for the 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 fifty-three (53) days) days.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Attorney-Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,981,888 B2

DATED : Jul. 19, 2011

INVENTOR(S) : Song, 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 (251) days

Delete the phrase "by 251 days" and insert – by 53 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 13, 2011

TO SPE OF 7933939 : ART UNIT 2156

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/104348 Patent No.: 7933939

CofC mailroom date: 5-31-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

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

Thank You For Your Assistance

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

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

Comments: _____

Pierre Vital — **SPE**
Art Unit 2156 — **Art Unit**

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVENUE
PORTLAND OR 97204

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
STEVENSON et al	:	
Application No. 12/104,386	:	DECISION ON PETITION
Filed: 04/16/2008	:	
Attorney Docket No. MP1863-166198	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to submit corrected drawings in a timely manner in response to the Notice of Allowability, mailed June 25, 2010, which set a statutory period of three (3) months to reply. In the absence of the timely submission of corrected drawings, the application became abandoned and a Notice of Abandonment was mailed on October 11, 2010.

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

This application is being referred to the Office of Data Management for issuance of the patent.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

NEW RIVER VALLEY INTELLECTUAL
PROPERTY LAW
P.O. BOX 10944
BLACKSBURG VA 24062

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Wilson et al. : DECISION ON PETITION
Application No. 12/104,500 :
Filed: April 17, 2008 :
Atty Docket No. WILS-windbox :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 6, 2011.

The petition under 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a timely reply to the non-final Office action mailed October 21, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply received and no extension obtained, this application became abandoned effective January 22, 2011. The instant petition filing precedes the mailing of a courtesy Notice of Abandonment.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of an amendment, a statement of unintentional delay by inventor Wilson as sole assignee and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required. However, the instant petition does not satisfy requirement (3) above.

The instant application became abandoned January 22, 2011 at the end of the shortened statutory period for failure to prosecute. The maximum period for reply with an extension of time ended on April 21, 2011. It is undisputed that no action was taken in this application to avoid abandonment. Petitioner submits the statement of now assignee Wilson that the entire delay in submitting the required reply was unintentional. However, as acknowledged in his declaration, the ownership of this application was not effectuated until April 27, 2011. Thus, at the time of the abandonment the application was assigned to AVID LLC.

The question under 37 CFR 1.137 is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unavoidable or unintentional. MPEP 711.03(c)(II)(E). As such, the question is whether the abandonment by AVID LLC was unintentional within the meaning of 37 CFR 1.137(b). The instant petition does not include any statement from AVID LLC. Alternatively, the petition does not establish that inventor Wilson was an equitable owner by virtue of its relationship with AVID LLC, that AVID LLC was under a fiduciary obligation to prosecute the application on behalf of inventor Wilson, and therefore, Petitioner's actions are relevant in deciding the petition to revive. See Futures Technology Ltd. v. Quigg, 684 F. Supp. 430, 7 USPQ2d 1588, 1589

(E.D. Va. 1988), and the standard applied by the USPTO in In re Application of Kim, 12 U.S.P.Q.2d 1604 (E.D. VA 1989).

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No.

NEW RIVER VALLEY INTELLECTUAL
PROPERTY LAW
P.O. BOX 10944
BLACKSBURG VA 24062

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Wilson et al.	:	DECISION ON
Application No. 12/104,500	:	PETITION
Filed: April 17, 2008	:	
Atty Docket No. WILS-windbox	:	

This is a decision on the RENEWED PETITION UNDER 37 CFR § 1.137(b) filed June 8, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective January 22, 2011 for failure to file a timely reply to the non-final Office action mailed October 21, 2010. By decision mailed May 31, 2011, the initial petition under 37 CFR 1.137(b) was dismissed. There was a question as to whether the petition filed by current assignee Wilson (and joint inventor) established that the abandonment by AVID LLC was unintentional within the meaning of 37 CFR 1.137(b).

On instant renewed petition, applicant submitted a second declaration of Samuel B. Wilson III attesting to being an equitable owner of the patent application and thus, the proper party to revive this application.

The additional declaration has been considered and the record reviewed and it is determined that assignee/joint inventor Wilson is a proper party to make the required statement of unintentional delay. As such, all requirements for revival have now been met.

Technology Center AU 2839 has been advised of this decision. The application is, thereby, forwarded for consideration of the amendment filed May 6, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MAR 22 2012
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MEDTRONIC, INC. (SPINAL)
710 MEDTRONIC PARKWAY
ATTN: LEGAL PATENTS MS: LC340
MINNEAPOLIS MN 55432-5604

In re Application of
Jeff Beale et al.
Application No. 12/104,604
Filed: April 17, 2008
Attorney Docket No.: **PO030162.00**

ON PETITION

This is a decision on the petition filed February 24, 2012, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed August 18, 2011 set the longer of one month or thirty days as the period for reply. No response to the Restriction Requirement having been timely filed, the application became abandoned September 20, 2011. Accordingly, a Notice of Abandonment was mailed March 1, 2012, after the filing of the instant petition.

The petition fee in the amount of $1860 has been applied to the finance records for the instant patent application.

Additionally, the record reveals that after the abandonment and with the instant petition

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

to revive, a five month extension of time was filed, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $2690 extension of time fee submitted with the petition on February 24, 2012 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to deposit account no. 13-2546.

The response to the Restriction Requirement filed February 24, 2012 will be referred to Technology Center 3775 for further processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Patent No. 7,982,671 :
Issued: July 19, 2011 : LETTER REGARDING
Application No. 12/104,644 : PATENT TERM ADJUSTMENT
Filed: April 17, 2008 :
Attorney Docket No. 18354US01 :

This is a decision on the petition filed September 19, 2011, under 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 375 days.

Patentee's dispute the period of time excluded from B delay for appellate review. Patentee's 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 137 days, beginning on **November 15, 2010**, the date of filing of the notice of appeal and ending on March 31, 2011, the subsequent date of the mailing of a notice of allowance. Thus, B delay is 0 (93 – 137) 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 decision should be directed to the undersigned at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark E. Van Dyke	:	
Application No. 12/104,682	:	DECISION GRANTING PETITION
Filed: April 17, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9865-69IP	:	

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 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.[1]

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

This matter is being referred to Technology Center AU 1656 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **8053450**
Ser. No. : **12/104732**
Inventor(s) : **HERPIN, TIMOTHY F.**
Issued : **11/08/2011**
Title : **AMINO-BENZAZOLES AS P2Y1 RECEPTOR INHIBITORS WITH PYRIDINE RING AND HETEROCYCLIC COMPONENTS**
Docket No. : **10013 DIV1**

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.

In regards to the alleged error(s) in the Specification, Column 2 Lines 8, 15, and 20 the words Punnoceptors, tetrehydro, and Phamacology don't appear.

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

A Certificate of Correction can be issued to correct this error if the correct Column and Line number is included in the C of C request. 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

BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

OL

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.
12/104,807	04/17/2008	Akihiko NISHIMURA	325416US2	4533

22850 7590 01/10/2012
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MAWARI, REDHWAN K

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
01/10/2012	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

JAN - 9 2012

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

In re Application of	:	
Nishimura et al.	:	DECISION ON PETITION
Application No. 12/104,807	:	UNDER 37 CFR §1.181
Filed: April 17, 2008	:	
For: ELECTRIC POWER STEERING APPRATUS		

This is a decision on applicant's petition under 37 CFR 1.181 filed September 9, 2011 requesting consideration of the Information Disclosure Statement filed November 10, 2008.

The petition is **DISMISSED AS MOOT.**

A review of the file record revealed that the examiner considered the Information Disclosure Statement on December 14, 2012 in a corrected Notice of Allowance mailed on December 20, 2011.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Jack Keith at (571) 272-6878.

Kathy Matecki

Kathy Matecki, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5250

km/jk: 12/20/11

LM

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED
SEP 01 2011
OFFICE OF PETITIONS

In re Application :
Anandan Palani et al. :
Application No. 12/104,914 : DECISION ON APPLICATION
Filed: April 17, 2008 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. IN01481KD :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b) filed August 26, 2011. Applicant requests that the determination of patent term adjustment be corrected from 484 to 717 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for

continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

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

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/15/12

TO SPE OF : ART UNIT: 3753 Attn: HEPPERLE STEPHEN M (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/104926 Patent No.: 8082948

CofC mailroom date: 01/12/2012

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Please check Claims 14-23
Should these claims be added as requested or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: Claims 14-23 are added under rejoinder as requested by applicant.

/Kevin L Lee/
Primary Examiner, Art Unit 3753

Steph Hepperle
SPE

3753
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 26, 2011

TO SPE OF : ART UNIT 2848

SUBJECT : Request for Certificate of Correction for Appl. No.: 12105028 Patent No.: RE42051

CofC mailroom date: April 22, 2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

_____
Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE

2448
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP (NV)
PO BOX 10500
MCLEAN VA 22102

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application
Eric N. Williams et al.
Application No. 12/105,111
Filed: April 17, 2008
Attorney Docket No. PIP75WILLU-USD2

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is in response to the 37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT, filed November 10, 2011. Applicant requests that the determination of patent term adjustment be corrected from 659 days to 821 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the recent court decision in Wyeth v. Kappos, No. 2009-1120 (Jan. 7, 2010).

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for

continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

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

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

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

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 8, 2012

In re Application of :

Jennifer Brugger

Application No : 12105116

Filed : 17-Apr-2008

Attorney Docket No : 46200.911

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 8, 2012

The request is **APPROVED.**

The request was signed by Frank Weyer (registration no. 33050) on behalf of all attorneys/agents associated with Customer Number 22804 . All attorneys/agents associated with Cusotmer Number 22804 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	Jennifer Brugger
Name2	
Address 1	309 S. Elm Dr. #7
Address 2	
City	Beverly Hills
State	CA
Postal Code	90212
Country	US

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

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

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12105116
Filing Date	17-Apr-2008
First Named Inventor	Jennifer Brugger
Art Unit	2629
Examiner Name	STACY KHOO
Attorney Docket Number	46200.911
Title	INPUT DEVICE FOR WEB ENABLED DEVICES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22804

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

10.40(c)(1)(vi)

Certifications

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

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

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

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

Name	Jennifer Brugger
Address	309 S. Elm Dr. #7
City	Beverly Hills
State	CA
Postal Code	90212
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Weyer/
Name	Frank Weyer
Registration Number	33050

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12105180
Filing Date	17-Apr-2008
First Named Inventor	David Mickel
Art Unit	3763
Examiner Name	MELISSA SNYDER
Attorney Docket Number	0033-00018-01
Title	Body Heater Suspenders

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 74012

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

10.40(c)(1)(iv)

Certifications

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

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

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

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

Name	David L. Mickel
Address	1502 NW 10th Ave
City	Camas
State	WA
Postal Code	98607
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jared S. Goff/
Name	Jared S. Goff
Registration Number	44716

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 6,2011

In re Application of :

David Mickel

Application No : 12105180

Filed : 17-Apr-2008

Attorney Docket No : 0033-00018-01

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 6,2011

The request is **APPROVED.**

The request was signed by Jared S. Goff (registration no. 44716) on behalf of all attorneys/agents associated with Customer Number 74012 . All attorneys/agents associated with Cusotmer Number 74012 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	David L. Mickel
Name2	
Address 1	1502 NW 10th Ave
Address 2	
City	Camas
State	WA
Postal Code	98607
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 13,2011

In re Application of :

Alberto Ripa

Application No : 12105218

Filed : 17-Apr-2008

Attorney Docket No : 082775B5C2

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 13,2011 , 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 Patent Publication.

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12105218
Filing Date	17-Apr-2008
First Named Inventor	Alberto Ripa
Art Unit	2471
Examiner Name	WARNER WONG
Attorney Docket Number	082775B5C2
Title	DATA LINK FAULT TOLERANCE

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/James T Hagler/
Name	James T Hagler
Registration Number	40631

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 15, 2011 Paper # 20110630

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/105238 Patent No.: 2857

CofC mailroom date: 6-10-11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

Magdalene Talley
Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

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

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

Comments: _____

DREW A. DUNN
SUPERVISORY PATENT EXAMINER
SPE

2857
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
MAR 30 2011
OFFICE OF PETITIONS

Nelson Mullins Riley & Scarborough LLP
IP Department
100 North Tryon Street
42nd Floor
Charlotte, NC 28202-4000

In re Application of Irving et al. :
Application No. 12/105,254 : Decision on Petition
Filing Date: April 17, 2008 :
Attorney Docket No. 28849/09184-CON :

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 23, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Tuesday, October 26, 2006. A Notice of Abandonment was mailed on February 3, 2011.

The instant petition requests revival of the application.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

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

The petition is accompanied by a $555 payment for an extension of time. Payment for an extension of time is unnecessary for relief to be granted under 37 CFR 1.137(b) and the Office cannot accept an extension of time fee submitted after the expiration of the maximum extendable time period for reply. Therefore, the $555 extension of time fee payment will be credited back to the credit card used to pay the fee.

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 who signed the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Technology Center Art Unit 2451 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Jeremy C. Whitley
42nd Floor
100 N. Tryon St.
Charlotte, NC 28202

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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FEB 16 2012
OFFICE OF PETITIONS

KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

In re Application of	:	
Li-Chih Tseng	:	
Application No. 12,105,287	:	ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. 1291-091.101	:	

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed January 27, 2012.

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.33d 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 in the amount of $2170, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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COOLEY LLP
ATTN: Patent Group
777 - 6th Street NW, Suite 1100
WASHINGTON, DC 20001

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Daniel L. FLYNN, et *al.* :
Application No. 12/105,408 : DECISION GRANTING PETITION
Filed: April 18, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **DECP-015/01US** :
313114-2130

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 6, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T Legal Department - RO
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

MAILED

JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of
ROBERTS, et al.
Application No.: 12/105,412
Filed: April 18, 2008
Attorney Docket No.: MARSP0125USD
For: DATA TRANSFER, SYNCHRONISING APPLICATIONS, AND LOW LATENCY NETWORKS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.55(c), filed April 26, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. §119(a)-(d) for benefit of the filing date of British (GB) Patent Application No. 9910280.8, filed May 04, 1999.

The petition is DISMISSED.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet in accordance with 37 CFR 1.76(b)(6). Unless provided in an application data sheet, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent or inventor's certificate for which priority is claimed under 37 CFR 1.55, and any foreign applications having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign applications noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T Legal Department - RO
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

MAILED

OCT 12 2011

PCT LEGAL ADMINISTRATION

In re Application of ROBERTS, et al. Application No.: 12/105,412 Filed: April 18, 2008 Attorney Docket No.: MARSP0125USD For: DATA TRANSFER, SYNCHRONISING APPLICATIONS, AND LOW LATENCY NETWORKS	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.55

This is a decision on the renewed petition under 37 CFR 1.55(c), filed August 02, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. §119(a)-(d) for benefit of the filing date of British (GB) Patent Application No. 0125890.4, filed October 27, 2001.

The petition is GRANTED.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed on April 18, 2008, which is after November 29, 2000, and the intermediate PCT application was filed within 12 months of May 04, 1999, which is the earliest filing date of the foreign application to which benefit is claimed. An Application Data Sheet filed on August 02, 2011, also identifies the foreign application for which priority is claimed by application number, country and filing date. The surcharge as set forth in 37 CFR 1.17(t) has been paid. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is granted.

A Corrected Filing Receipt which reflects the above-noted foreign application accompanies this decision on petition.

This matter is being referred to Technology Center AU 2445 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

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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LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
141-07 20TH AVENUE
WORLD PLAZA, SUITE 604
WHITESTONE, NY 11357

MAILED
FEB 01 2011
OFFICE OF PETITIONS

In re Application of
Guangwen Wei, et al.
Application No. 12/105,455 : DECISION GRANTING PETITION
Filed: April 18, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 792-AB-PCT-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 31, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 27, 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 1646 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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

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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TOM TILDEN
C/O WEST CORPORATION
11808 MIRACLE HILLS DR.
MAIL STOP: W11-LEGAL
OMAHA NE 68154

MAILED
AUG 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Joshua Lawton Wiegand	:	
Application No. 12/105,521	:	DECISION ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. P9147	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 7, 2011, as required by the Notice of Allowance and Fee(s) Due mailed April 7, 2011. Accordingly, the date of abandonment of this application is July 8, 2011. A Notice of Abandonment was mailed July 22, 2011.

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

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: DONALD D. MONDUL
354 MOOSE LANE
SEELEY LAKE, MT 59868

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12105652
Filing Date	18-Apr-2008
First Named Inventor	Jeffrey Nicholson
Art Unit	2874
Examiner Name	KAJLI PRINCE
Attorney Docket Number	313476US8
Title	APPARATUS FOR SIDE FIRE FIBER LASERS

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- ( ) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- (●) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Michael A. Morra/
Name	Michael A. Morra
Registration Number	28975

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 12,2011

In re Application of :

Jeffrey Nicholson

Application No : 12105652

Filed : 18-Apr-2008

Attorney Docket No : 313476US8

DECISION ON PETITION

UNDER CFR 1.137(b)

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

The petition is **GRANTED.**

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

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

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

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

This application file is being directed to the Office of Patent Publication.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Patent No. 7,967,215	:	
Issued: June 28, 2011	:	
Application No. 12/105,778	:	NOTICE
Filed: April 18, 2008	:	
Attorney Docket No. 1615/22	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 1, 2011.

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

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

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

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

It is not apparent whether the person signing the request was ever given a power of attorney or authorization of agent regarding this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the request shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Additionally, petitioner has submitted $755.00 towards the required $985.00 fee deficiency submission, thus creating a shortage of $230.00. This shortage will be charged to petitioner's deposit account as authorized November 1, 2011.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

M00024752 2010-08-20 11:10:19

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/105,820
Confirmation No.:	6439
Filing Date:	April 18, 2008
Applicant:	Yongfu Yan
Group Art Unit:	2614
Examiner:	Fan S. Tsang
Title:	METHOD AND SYSTEM FOR REWARDING RING BACK TONE, DONOR PLATFORM, AND CUSTOM RING BACK TONE PLATFORM
Attorney Docket:	15072-000018/US/CO

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL BASED ON EXPRESS ABANDONMENT OF ANOTHER COPENDING APPLICATION (37 CFR 1.102)

Sir:

Applicant hereby petitions to make this application special pursuant to the Project Exchange/Patent Application Backlog Reduction Stimulus Plan. Special status is sought based on the express abandonment of another copending application.

Application No. 12/101,712 was expressly abandoned on August 20, 2010. A copy of a letter of express abandonment filed in Application No. 12/101,712, along with the statements that accompanied the letter of express abandonment, are attached.

The subject Application (i.e. Application No. 12/105,820) and the abandoned Application (i.e. Application No. 12/101,712) were owned by the same party, Huawei Technologies Co., Ltd., as of October 1, 2009.

Applicant certifies that Applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program.

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.

Respectfully submitted,

Assignee

Huawei Technologies Co., Ltd.

Name of Assignee

Huawei Industrial Base, Bantian,
Longgang District, Shenzhen, P.R. China 518129

Address of Assignee

President

Signature and Title of person authorized to sign on behalf of Assignee

Assignment recorded in the USPTO on April 18, 2008
Reel 020825 Frame 0748

A STATEMENT UNDER 37 C.F.R. 3.73(b) is attached.

15633886.3

A460024752 2010-08-20 11:10:12

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/101,712
Confirmation No.:	8788
Filing Date:	April 11, 2008
Applicant:	Zhou Yu
Group Art Unit:	2626
Examiner:	Richemond Dorvil
Title:	SPEECH RECOGNITION METHOD AND SYSTEM AND SPEECH RECOGNITION SERVER
Attorney Docket:	15072-000014/US

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

EXPRESS ABANDONMENT OF APPLICATION (37 C.F.R. 1.138)

Sir:

This Application is hereby expressly abandoned, serving as a basis for petition to make special co-pending Application No. 12/105,820.

Applicant agrees that Applicant has not and will not file an application that claims the benefit of this expressly abandoned Application under any provision of title 35, United States Code.

Applicant agrees not to request a refund of any fees paid in the expressly abandoned Application.

Applicant agrees that Applicant has 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).

Respectfully submitted,

Assignee

Huawei Technologies Co., Ltd.

Name of Assignee

Huawei Industrial Base, Bantian,
Longgang District, Shenzhen, P.R. China 518129

Address of Assignee

President

Signature and Title of person authorized to sign
on behalf of Assignee

Assignment recorded in the USPTO on April 11, 2008
Reel 020791 Frame 0815

A STATEMENT UNDER 37 C.F.R. 3.73(b) is attached.

MM/PFD

15633916.2

b60024752 2010-08-20 11:11:03

PTO/SB/96 (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 displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Zhou Yu

Application No./Patent No.: 12/101,712 Filed/Issue Date: April 11, 2008

Titled:
Speech Recognition Method and System and Speech Recognition Server

Huawei Technologies Co., Ltd., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 020791, Frame 0815, or for which a copy therefore is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[X] As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	August 20, 2010 Date
Sun Yafang Printed or Typed Name	President Title

This collection of information is required by 37 CFR 3.73(b). 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 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

AUG 27 2010

OFFICE OF PETITIONS

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills MI 48303

In re Application of :
YAN et al. :
Application No. 12/105,820 :
Filed: April 18, 2008 :
Attorney Docket No. **15072-000018/US/CO** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed August 20, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON, DC 20007

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Roderick Slater	:	
Application No. 12/105,903	:	ON PETITION
Filed: April 18, 2008	:	
Attorney Docket No. 4506-4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 23, 2009 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 24, 2010.

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

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

This matter is being referred to Technology Center 1797 for further examination on the merits.

A Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Mitsuhiro Ikeda et al	:	
Application No. 12/105,930	:	DECISION GRANTING PETITION
Filed: April 18, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2565-0291PUS2	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on 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 should be directed to the undersigned at (571) 272-3208.

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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/105,995	04/18/2008	Jacques HABATJOU	324052US26	6818

7590 11/08/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
YU, JUSTINE ROMANG

ART UNIT	PAPER NUMBER
3771	

NOTIFICATION DATE	DELIVERY MODE
11/08/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Chu et al.	:	
Application No. 12/106009	:	
Filing or 371(c) Date: 04/18/2008	:	LETTER
Pat. Num: 8119208	:	
Issue Date: 02/21/2012	:	
Attorney Docket Number: KNTO.P0066	:	

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 23 2012
OFFICE OF PETITIONS

SEAGER, TUFTE & WICKHEM, LLC
1221 Nicollet Avenue
Suite 800
Minneapolis MN 55403

In re Application of

Vrba, et al.

Application No. 12/106,032

Filed: April 18, 2008

Attorney Docket No. **1001.2002101**

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 21, 2012.

The petition is **granted**.

This application was held abandoned September 23, 2011, after no reply was received to the non-final Office action mailed June 22, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on September 23, 2011. A Notice of Abandonment was mailed January 30, 2012. The instant petition was filed on February 21, 2012. Petitioner maintains that the notice of June 22, 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 met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center, GAU 3731for further processing that will include re-mailing the non-final Office action and resetting of the period for reply.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Kaleb Perce
Application No. 12/106,198
Filed: April 18, 2008
Attorney Docket No. PIERCE-NP-0408

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 13, 2010.

The request is **APPROVED**.

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

The request was signed by Jill Welytok on behalf of all attorneys of record who are associated with customer No. 57520. All attorneys/agents associated with the Customer Number 57520 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 July 12, 2010 that requires a reply from the applicant.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: KALEB PIERCE
915 N 940 E
LEHI, UT 840943

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
12/106,198	04/18/2008	Kaleb Pierce	PIERCE-NP-0408

CONFIRMATION NO. 7252

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000044174299

Date Mailed: 10/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2010.

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

/amwise/

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/106,216	Filing date:	April 18, 2008
First Named Inventor:	Michael S. DeFranks		
Title of the Invention:	MICROALLOYED SPRING		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US09/41141

The international date of the corresponding PCT application(s) is/are: April 20, 2009

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/106,216
First Named Inventor:	Michael S. DeFranks

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 August 4, 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 August 4, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Amended claim 1	Claim 3	Similar scope
Original claim 2	Claim 3	Narrower scope
Amended claim 4	Claim 4	Narrower scope
Original claim 5	Claim 3	Narrower scope
Original claim 6	Claim 6	Narrower scope
Original claim 7	Claim 7	Narrower scope
Original claim 8	Claim 8	Narrower scope
Original claim 9	Claim 9	Narrower scope
Original claim 10	Claim 10	Narrower scope
Original claim 11	Claim 11	Narrower scope
Amended claim 13	Claim 13	Narrower scope
Amended claim 14	Claim 14	Narrower scope
Amendedclaim 15	Claim 15	Narrower scope
Original claim 16	Claim 3	Narrower scope
Original claim 17	Claim 3	Narrower scope

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

Signature /Vasanth Sarathy/	Date December 10, 2010
Name (Print/Typed) Vasanth Sarathy	Registration Number L0365

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.

Docket No.: SMCY-135-101
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
DeFranks et al

Application No.: 12/106,216 | Confirmation No.: 7307

Filed: April 18, 2008 | Art Unit: 3657

For: MICROALLOYED SPRING | Examiner: Mahbubur Rashid

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

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

Dear Sir:

INTRODUCTORY COMMENTS

Applicants respectfully request participation in the PCT-PPH Pilot Program (hereinafter, "PCT-PPH") and petition to make the above-identified application special under the PCT-PPH. In support of the request/petition, Applicants concurrently submit Form PTO/SB/20PCT-EP ("Petition to Make Special under the PCT-Patent Prosecution Highway") and a Preliminary Amendment to amend the claims in the above-identified case. Applicants also submit the following remarks in support of the request/petition as follows:

Remarks Regarding Requirements for Participation and Claim Correspondence

The above-identified application is a U.S. utility application that forms the basis for the priority claim in the corresponding PCT application number PCT/US09/41141 (hereinafter "Corresponding PCT Application"). Applicants received a Written Opinion from the International Searching Authority - EPO (hereinafter "WO/ISA") in the Corresponding PCT Application on July 16, 2009. Applicants submitted the WO/ISA to the USPTO in an

information disclosure statement filed in the above-identified application on Aug. 4, 2009. The WO/ISA indicates that at least one claim in the Corresponding PCT Application has novelty, inventive step and industrial applicability. In particular, the WO/ISA indicates that claims 3, 4, and 6-15 in the Corresponding PCT Application have novelty, inventive step and industrial applicability. (See Appendix B for a listing of claims in the Corresponding PCT Application). Independent claim 1 in the above-identified application is currently amended to sufficiently correspond to claim 3 of the Corresponding PCT Application. Claims 4, 13-15 in the above-identified application are amended in accordance with amended claim 1. Accordingly, dependent claims 2, 4-11, and 13-17 (which depend on amended independent claim 1) in the above-identified application sufficiently correspond to patentable claims of the Corresponding PCT Application. Thus, all the claims in the above-identified application sufficiently correspond to or are amended to sufficiently correspond to one or more claims indicated as having novelty, inventive step and industrial applicability in the Corresponding PCT Application. A detailed claim correspondence table is provided in Appendix A.

Response to Certain Observations in the WO/ISA

Box No. VIII of the WO/ISA lists certain observations on the Corresponding PCT Application. In particular, the WO/ISA states that claim 1 of the Corresponding PCT Application is not supported by the description as required by Article 6 PCT because the feature, that a coil spring comprises high-carbon steel wire, is defined in paragraph 9 as not being essential (i.e. using expressions "may" or "in certain embodiments"). See WO/ISA, separate sheet 2. Applicants submit that the claims in the above-identified application are not subject to this observation in the WO/ISA. As required under U.S. patent law, the claims and specification of the above identified application have to comply with 35 U.S.C. § 112, and not Article 6 of the PCT. Claims 1, 2, and 4-11 and 13-17 in the above-identified application recite several features including a coil spring that comprises high-carbon steel wire. The specification has provided a written description of the subject matter of the claims, has sufficiently enabled one of ordinary skill in the art to make and use the subject matter of the claims, and has set forth the best mode contemplated by the inventor of carrying out the subject matter of the claims. Thus, Applicants submit that the specification and the claims of the above-identified application fully comply with the requirements of 35 U.S.C. § 112, and are not subject to the observation in the WO/ISA.

The WO/ISA also states that the claims lack clarity because "vague and imprecise" descriptions in paragraph 52 implies that the subject matter for which protection is sought may be different to that defined by the claims. Applicants submit that the claims in the above-identified application are not subject to this observation in the WO/ISA. Once again, Applicants submit that under U.S. patent law, the claims and specification of the above identified application have to comply with 35 U.S.C. § 112, and not Article 6 of the PCT. For reasons stated above, Applicants submit that the specification and the claims of the above-identified application fully comply with the requirements of 35 U.S.C. § 112, and are not subject to the observation in the WO/ISA.

The WO/ISA states that the description is not self-contained under Article 5 EPC because paragraphs 39, 42 and 51 make references to other documents. Applicants submit that the specification (including paragraphs 39, 42 and 51) in the above-identified application are not subject to this observation in the WO/ISA. Applicants submit that under U.S. patent law, the specification of the above identified application has to comply with 35 U.S.C. § 112, and not Article 5 of the PCT. Section 2163.07(b) of the MPEP states that "an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification." See MPEP § 2163.07. Thus, Applicants submit that the specification (including paragraphs 39, 42 and 51) of the above-identified application fully comply with the requirements of 35 U.S.C. § 112, and are not subject to the observation in the WO/ISA.

Accordingly, Applicants respectfully request acceptance of the Petition.

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SMCY-135-101 from which the undersigned is authorized to draw.

Dated: December 10, 2010

Respectfully submitted,

By__/Vasanth Sarathy/_____

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Attorneys/Agents For Applicant

Appendix A – Claim Correspondence Table

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1. A coil spring in an innerspring assembly in a cushioning article, comprising a high-carbon steel wire coiled into a helical spring and alloyed with at least one alloying element, wherein the at least one alloying element includes at least titanium that is from about 0.001 to about 0.1 weight percent of the spring.	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring. 1. A coil spring in an innerspring assembly in a cushioning article, comprising a high-carbon steel wire coiled into a helical spring and alloyed with at least one alloying element, wherein the at least one alloying element includes at least one of titanium, manganese, vanadium, chromium, niobium, nickel, molybdenum, and copper, and wherein the alloying element is from about 0.001 to about 2 weight percent of the spring.	Amended claim 1 of the US Application is of similar scope to patentable claim 3 of the Corresponding PCT Application. Both claims require among other things that "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
2. The coil spring of claim 1, wherein the high carbon steel wire includes carbon that is from about 0.55 to about 0.99 weight percent of the spring.	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring. 2. The coil spring of claim 1, wherein the high carbon steel wire includes carbon that is from about 0.55 to about 0.99 weight percent of the spring.	Claim 2 of the US Application is of narrower scope than patentable claim 3 of the Corresponding PCT Application because claim 2 of the US Application requires "the high carbon steel wire includes carbon that is from about 0.55 to about 0.99 weight percent of the spring."
3. (Canceled)	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring.	N/A. Subject matter of claim 3 of the US Application was incorporated into amended independent claim 1.

4. The coil spring of claim 1, wherein the titanium is from about 0.001 to about 0.01 weight percent of the spring.	4. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.01 weight percent of the spring.	Claim 4 of the US Application is of similar scope to patentable claim 4 of the Corresponding PCT Application.
5. The coil spring of claim 1, wherein the alloying element includes manganese that is from about 0.3 to about 0.9 weight percent of the spring.	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring. 5. The coil spring of claim 1, wherein the alloying element includes manganese that is from about 0.3 to about 0.9 weight percent of the spring.	Claim 5 of the US Application is of narrower scope than patentable claim 3 of the Corresponding PCT Application because claim 5 of the US Application requires "manganese that is from about 0.3 to about 0.9 weight percent of the spring."
6. The coil spring of claim 1, wherein the alloying element includes vanadium that is from about 0.001 to about 0.23 weight percent of the spring.	6. The coil spring of claim 1, wherein the alloying element includes vanadium that is from about 0.001 to about 0.23 weight percent of the spring.	Claim 6 of the US Application is of narrower scope than patentable claim 6 of the Corresponding PCT Application because claim 6 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
7. The coil spring of claim 1, wherein the alloying element includes chromium that is from about 0.001 to about 2 weight percent of the spring.	7. The coil spring of claim 1, wherein the alloying element includes chromium that is from about 0.001 to about 2 weight percent of the spring.	Claim 7 of the US Application is of narrower scope than patentable claim 7 of the Corresponding PCT Application because claim 7 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
8. The coil spring of claim 1, wherein the alloying element includes nickel that is from about 0.001 to about 2 weight percent of the spring.	8. The coil spring of claim 1, wherein the alloying element includes nickel that is from about 0.001 to about 2 weight percent of the spring.	Claim 8 of the US Application is of narrower scope than patentable claim 8 of the Corresponding PCT Application because claim 8

		of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
9. The coil spring of claim 1, wherein the alloying element includes molybdenum that is from about 0.001 to about 1.15 weight percent of the spring	9. The coil spring of claim 1, wherein the alloying element includes molybdenum that is from about 0.001 to about 1.15 weight percent of the spring.	Claim 9 of the US Application is of narrower scope than patentable claim 9 of the Corresponding PCT Application because claim 9 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
10. The coil spring of claim 1, wherein the alloying element includes niobium that is from about 0.001 to about 0.1 weight percent of the spring.	10. The coil spring of claim 1, wherein the alloying element includes niobium that is from about 0.001 to about 0.1 weight percent of the spring.	Claim 10 of the US Application is of narrower scope than patentable claim 10 of the Corresponding PCT Application because claim 10 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
11. The coil spring of claim 1, wherein the alloying element includes copper that is from about 0.1 to about 0.3 weight percent of the spring.	11. The coil spring of claim 1, wherein the alloying element includes copper that is from about 0.1 to about 0.3 weight percent of the spring.	Claim 11 of the US Application is of narrower scope than patentable claim 11 of the Corresponding PCT Application because claim 11 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
12. Canceled	12. The coil spring of claim 1, wherein the alloying element includes titanium and copper.	N/A.

13. The coil spring of claim 11, wherein the titanium is about 0.001 to about 0.01 weight percent of the spring.	13. The coil spring of claim 12, wherein the titanium is about 0.001 to about 0.01 weight percent of the spring and the copper is about 0.1 to about 0.3 weight percent of the spring.	Claim 13 of the US Application is of similar scope to patentable claim 13 of the Corresponding PCT Application.
14. The coil spring of claim 11, wherein the spring includes from about 10 to about 30 times more copper than titanium.	14. The coil spring of claim 12, wherein the spring includes from about 10 to about 30 times more copper than titanium.	Claim 14 of the US Application is of narrower scope than patentable claim 14 of the Corresponding PCT Application because claim 14 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
15. The coil spring of claim 1, wherein the spring includes about four times more carbon than the at least one alloying element.	15. The coil spring of claim 1, wherein the spring includes about four times more carbon than at least one of the alloying elements.	Claim 15 of the US Application is of narrower scope than patentable claim 15 of the Corresponding PCT Application because claim 15 of the US Application requires "at least one of the alloying elements include at least titanium that is from about 0.001 to about 0.1 weight percent of the spring."
16. The coil spring of claim 1, wherein the steel wire includes a plurality of strands.	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring. 16. The coil spring of claim 1, wherein the steel wire includes a plurality of strands.	Claim 16 of the US Application is of narrower scope than patentable claim 3 of the Corresponding PCT Application because claim 16 of the US Application requires that "the steel wire includes a plurality of strands."
17. The coil spring of claim 1, further comprising an encasing material formed around the helical spring.	3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1	Claim 16 of the US Application is of narrower scope than patentable claim 3 of the Corresponding PCT

	weight percent of the spring. 17. The coil spring of claim 1, further comprising an encasing material formed around the helical spring.	Application because claim 17 of the US Application requires "an encasing material formed around the helical spring."

Appendix B –Claims in the Corresponding PCT Application

1. A coil spring in an innerspring assembly in a cushioning article, comprising

a high-carbon steel wire coiled into a helical spring and alloyed with at least one alloying element,

wherein the at least one alloying element includes at least one of titanium, manganese, vanadium, chromium, niobium, nickel, molybdenum, and copper, and

wherein the alloying element is from about 0.001 to about 2 weight percent of the spring.

2. The coil spring of claim 1, wherein the high carbon steel wire includes carbon that is from about 0.55 to about 0.99 weight percent of the spring.

3. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.1 weight percent of the spring.

4. The coil spring of claim 1, wherein the alloying element includes titanium that is from about 0.001 to about 0.01 weight percent of the spring.

5. The coil spring of claim 1, wherein the alloying element includes manganese that is from about 0.3 to about 0.9 weight percent of the spring.

6. The coil spring of claim 1, wherein the alloying element includes vanadium that is from about 0.001 to about 0.23 weight percent of the spring.

7. The coil spring of claim 1, wherein the alloying element includes chromium that is from about 0.001 to about 2 weight percent of the spring.

8. The coil spring of claim 1, wherein the alloying element includes nickel that is from about 0.001 to about 2 weight percent of the spring.

9. The coil spring of claim 1, wherein the alloying element includes molybdenum that is from about 0.001 to about 1.15 weight percent of the spring.

10. The coil spring of claim 1, wherein the alloying element includes niobium that is from about 0.001 to about 0.1 weight percent of the spring.

11. The coil spring of claim 1, wherein the alloying element includes copper that is from about 0.1 to about 0.3 weight percent of the spring.

12. The coil spring of claim 1, wherein the alloying element includes titanium and copper.

13. The coil spring of claim 12, wherein the titanium is about 0.001 to about 0.01 weight percent of the spring and the copper is about 0.1 to about 0.3 weight percent of the spring.

14. The coil spring of claim 12, wherein the spring includes from about 10 to about 30 times more copper than titanium.

15. The coil spring of claim 1, wherein the spring includes about four times more carbon than at least one of the alloying elements.

16. The coil spring of claim 1, wherein the steel wire includes a plurality of strands.

17. The coil spring of claim 1, further comprising an encasing material formed around the helical spring.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.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.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/041141	20.04.2009	18.04.2008

International Patent Classification (IPC) or both national classification and IPC
INV. F16F1/02 A47C23/04

Applicant
DREAMWELL, LTD.

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 43*bis*.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 notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Prussen, Jean Telephone No. +49 89 2399-2047

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/041141

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. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. 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.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-17
	No:	Claims	
Inventive step (IS)	Yes:	Claims	3,4,6-15
	No:	Claims	1,2,5,16,17
Industrial applicability (IA)	Yes:	Claims	1-17
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1 : US 2004/158929 A1 (GLADNEY RICHARD F [US] GLADNEY RICHARD F [US] ET AL) 19 August 2004 (2004-08-19)
D2: US 2006/065334 A1 (BHAGWAT ANAND W [US] ET AL) 30 March 2006 (2006-03-30)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parentheses applying to this document) a coil spring in an innerspring assembly in a cushioning article, comprising a high-carbon steel wire coiled into a helical spring.

The subject-matter of independent claim 1 differs from the disclosure of D1 in that a high-carbon steel wire is alloyed with at least one alloying element, wherein the at least one alloying element includes at least one of titanium, manganese, vanadium, chromium, niobium, nickel, molybdenum, and copper, and wherein the alloying element is from about 0.001 to about 2 weight percent of the spring.

The problem to be solved by the present invention may therefore be regarded as to improve the endurance of an innerspring core.

2.2 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

According to paragraph 2 of D1 the skilled man has to select the spring characteristic according to the desired properties. He would therefore also enclose the teaching of document D2 where it is mentioned in paragraph 8 that a

significant improvement in spring fatigue is provided by a steel wire as mentioned in paragraph 42. Using such a steel wire in an innerspring assembly would result in an assembly as defined in Claim 1. Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 The features defined in dependent claims 2, 5, 16 and 17 are also known from these disclosures D1 and D2 whereas the features defined in dependent claims 3, 4 and 6 to 15 define slight constructional changes which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of these claims also appear to lack an inventive step.

Re Item VII

Certain defects in the international application

4 Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

5 The unit "inch" and its symbol " employed in paragraphs 14, 27, 33 and in Table 1 is not recognized in international practice, contrary to the requirements of Rule 10.1(d) PCT.

Re Item VIII

Certain observations on the international application

6 The feature of claim 1, that a coil spring comprises a high-carbon steel wire, is not referred to in the description. In the description in paragraph 9, the features mentioned in claim 1 are defined as not being essential. This is due to the expressions "may" or "in certain embodiments". Claim 1 is therefore not supported by the description as required by Article 6 PCT.

The vague and imprecise statement in the description in paragraph 52 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

Concerning the references to other documents in paragraphs 39, 42 and 51 of the description, the attention is drawn to Article 5 EPC which requires that the description should be self-contained (see also PCT Guidelines, Part II, pt. 4.26).

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/106,216	04/18/2008	Michael S. DeFranks	SMCY-135-101	7307

28120 7590 03/10/2011
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BOSTON, MA 02199-3600

EXAMINER
RASHID, MAHBUBUR

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
03/10/2011	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):

USPatentMail@ropesgray.com
USPatentMail2@ropesgray.com

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 30 2011

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ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re application of Defrank et al. Application No. 12/106,216 Filed: April 18, 2008 For: MICROALLOYED SPRING	: **DECISION ON REQUEST TO** : **PARTICIPATE IN PATENT** : **PROSECUTION HIGHWAY** : **PROGRAM AND PETITION** : **TO MAKE SPECIAL UNDER** : **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 10, 2010, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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;
(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 pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed February 02, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 03/08/11

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

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
620 EIGHTH AVENUE
NEW YORK, NY 10018

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Jason Blain	:	
Application No. 12/106,248	:	DECISION ON PETITION
Filed: April 18, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: SPI-002	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 4, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

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

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

This application is being forwarded to Technology Center Art Unit 3733 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/106,248	04/18/2008	3733	725	SPI-002	29	2

CONFIRMATION NO. 7373

CORRECTED FILING RECEIPT

24964
GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
620 Eighth Avenue
NEW YORK, NY 10018

OC000000050947041

Date Mailed: 11/15/2011

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

Applicant(s)

Jason Blain, Encinitas, CA;

Assignment For Published Patent Application

Spinal Elements, Inc., Carlsbad, CA

Power of Attorney: The patent practitioners associated with Customer Number 77845

Domestic Priority data as claimed by applicant

This application is a CIP of 10/865,073 06/10/2004 PAT 7,846,183

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

If Required, Foreign Filing License Granted: 05/05/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/106,248**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

IMPLANT AND METHOD FOR FACET IMMOBILIZATION

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

MAILED

AUG 1 1 2010

OFFICE OF PETITIONS

In re Application of :
Ronald H. Haag :
Application No. 12/106,250 :
Filed: April 18, 2008 :
Attorney Docket No. **03875.001300.** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 2, 2010.

The request is **APPROVED**.

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

The request was signed by Douglas Sharrott on behalf of all attorneys of record who are associated with Customer Number 05514.

All attorneys/agents associated with Customer Number 05514 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 Ronald H. Haag at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ronald H. Haag
1891 North Mill Court
Lake Orion, MI 48360

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
MAR 26 2012
OFFICE OF PETITIONS

MARGARET ANNE
APT. 3207
3535 LEBON DRIVE
SAN DIEGO CA 92122

In re Application of	:	
Timothy Matthew Lacroix	:	
Application No. 12/106,279	:	ON PETITION
Filed: April 19, 2008	:	
Attorney Docket No. 0100-001 MAL	:	

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 **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 Office action mailed August 5, 2010. A Notice of Abandonment was mailed on March 3, 2011.

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

The check ($930.00) submitted with the petition on March 6, 2012 was returned for insufficient funds.

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

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

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

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

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

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 documents 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.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Cc:

MARGARET ANNE LA CROIX
10 MOUNTAINSIDE DRIVE
MORRISTOWN, NJ 07960

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of Li et al. Application No. 12/106,296 Filed: April 19, 2008 Attorney Docket No.: CAT-001/7304492001 Title: FOLDABLE POLYMER-BASED COIL STRUCTURE AND METHOD FOR FABRICATING THE SAME	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(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;
(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.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, the deficiency owed amount, when the small entity fee was actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amount for a non-small entity or the small entity fee that was actually paid.

The requirement that Petitioner must provide the Office with the current fee amount for a non-small entity or the small entity fee that was actually paid is waived, *sua sponte*.

The deficiency payment in the amount of $245.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

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

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Silverbrook et al.	:	
Application No. 12/106329	:	DECISION ON PETITION
Filing or 371(c) Date: 04/21/2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. XMB178US	:	

This is a decision on the "Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. § 120," filed January 24, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy items (1) above.

As to item (1), the amendment is not acceptable as drafted because every intermediate application does not make a reference to the first (earliest) application and/or every application after the first application and before such intermediate application. The MPEP provides:

> Where an application claims a benefit under 35 U.S.C. § 120 of a chain of applications, the application must make a reference to the first (earliest) application and every

> intermediate application. *See Sampson v. Ampex Corp.*, 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); *Hovlid v. Asari,* 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). *See also* MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. (Emphasis supplied).

MPEP 201.06(d).

Applicant files the present petition to claim benefit of the present application as a continuation of application no. 10/992,754, filed November 22, 2004, now issued US patent no. 7,372,593, which is a continuation of application no. 10/636,637, filed August 8, 2003, now issued patent no. 7,154,637, which is a continuation of 09/436,747, filed November 9, 1999, now issued patent no. 6,687022.

A review of the file record reveals that the amendment is unacceptable as drafted because prior application no. 10/992,754, filed November 22, 2004, now issued US patent no. 7,372,593, does not make reference to application no. 09/436,747, filed November 9, 1999, now issued patent no. 6,687022. Application No. 10/992,754 claims the benefit as a continuation of application no. 10/636,271; however, application no. 10/992,754 does not claim benefit as a continuation of 10/636,271, which is a divisional of application no. 09/436747. (Emphasis supplied).

It is also noted that Office records confirm that application no. 10/636,231 claims the benefit as a divisional application of application no. 09/436,747, whereas the present amendment claims benefit as a continuation of 09/436,747[1].

Further as to item (1), the reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, the priority chain in the prior-filed application, 10/636,231, must be perfected, and a renewed petition under 37 CFR § 1.78(a)(3), and an Application Data Sheet or a substitute amendment (complying with 35 U.S.C. 120; 37 CFR 1.121 and 37 CFR 1.76(b)(5)), are required.

---

[1] The Application Data Sheet lists application no. 10/636,231 as claiming benefit as a divisional of 09/436,747.

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

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

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

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

Any questions concerning this matter may be directed to Attorney Derek Woods at (571) 272-3232.

Christopher Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FRANK G MORKUNAS
P.O. BOX 601662
SAN DIEGO CA 92160

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of
Daniel P. Naughton
Application No. 12/106,410
Filed: April 21, 2008
Attorney Docket No. NAUGD-P02A

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 December 13, 2010.

The request is **APPROVED**.

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

The request was signed by Frank G. Morkunas on behalf of all attorneys of record who are associated with Customer Number 23653.

All attorneys/agents associated with the Customer Number 23653 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Daniel P. Naughton
8124 Whelan Dr.
San Diego, CA 92119

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Patent No. 7,534,131 :
Issue Date: 19 May, 2009 :
Application No. 12/106,576 : DECISION
Filed/Deposited: 21 April, 2008 :
Attorney Docket No.: CHUN3126/EM

This is a decision on the petition filed on 9 August, 2010, requesting issuance of duplicate Letters Patent for the above-identified patent/application and considered pursuant to 37 C.F.R. §1.182.[1]

The petition is **GRANTED.**

BACKGROUND

Petitioner has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has indicated that the patent was not received[1] and/or cannot be located, and has authorized the charge of fees to Deposit Account 02-4800, now charged.

The Publishing Division is directed to issue duplicate Letters Patent.

---

[1] The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.
All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h). [47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

[1] For guidance on the proper showing for an allegation/averment of "non-receipt" Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c)(I).

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

The file is being released to the IFW Repository.

Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ms. Naomi Farmer, RSQ, Fax: 571-270-9753.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s)/inaction.

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

CC:
MS. NIOMI FARMER
RSQ—9TH FLOOR—ROOM D 30-B
FAX NO. (571) 270-9753

---

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO, IL 60606

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki et al :
Application No. 12/106,643 :
Filed: April 21, 2008 :
Attorney Docket No. LASER IRRADIATION METHOD, LASER IRRADIATION APPARATUR, AND SEMICONDUCTOR DEVICE

ON PETITION

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

The petition is **GRANTED**.

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

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

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

This matter is being referred to Technology Center AU 2828 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/106,751	04/21/2008	Shuit-Tong Lee	P09440US01/RFH	8356

881 7590 12/21/2011
STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER
LAPAGE, MICHAEL P

ART UNIT	PAPER NUMBER
2886	

NOTIFICATION DATE	DELIVERY MODE
12/21/2011	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):

iplaw@stites.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Applicant : Shuit-Tong Lee
Appl No.: 12/106,751
Filed: April 21, 2008

DECISION GRANTING PETITION UNDER *37 CFR 1.48*

This decision is in response to the petition filed July, 05, 2011 in the above-identified application. Petitioner requests that inventorship be corrected in accordance with 37 C.F.R. 1.48.

Specifically, the petition requests that Meng-su MICHAEL YANG be added as co-inventors.

The petition complies with 37 CFR 1.48(a) in that: (1) the desired inventorship change was set forth; (2) a statement was provided from the co-inventor(s) to be added that the error occurred without deceptive intention on his or her part; (3) a declaration from each actual inventor was provided; (4) the fee set forth in 37 CFR 1.17(i) has been paid; and (5) written
consent of the assignee was submitted.

The papers filed on July, 05, 2011 thus fulfill the requirements set forth in 37 C.F.R. 1.48(a), and the petition is GRANTED.

Tarifur Chowdhury
Supervisory Patent Examiner, Art Unit 2886
Technology Center 2800

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ALEXANDRIA, VA 22314

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JAN 26 2012
OFFICE OF PETITIONS

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application No. 12/106,815	:
Rhoads	: DECISION ON
Filed: April 21, 2008	: REQUEST FOR
Attorney Docket No. 098888-2046	: RECONSIDERATION OF
Title: WIRELESS METHODS USING	: PATENT TERM ADJUSTMENT
SIGNATURE CODES	:

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)," filed on January 20, 2012. Applicants submit that the correct patent term adjustment to be indicated on the patent is nine hundred and nineteen (919) days, not five hundred and thirty-six (536) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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

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

Paul Shanoski
Senior Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 5, 2010

TO SPE OF : ART UNIT 1713 - SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/106,824 Patent No.: 7,743,728 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Antonio Johnson

Should the references 6,458,607 and 6,579,730 be added to Item (56), References Cited under U.S. Patent Documents?
See COCIN dated 09-13-2010

Certificates of Correction Branch

(571)272-0483

Thank You For Your Assistance

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

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

Comments: All changes approved /Nadine Norton/ -

SPE 1713

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE /Nadine Norton/ Art Unit 1713

SPE NN Art Unit 1713

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OKLAHOMA CITY, OK 73113

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OCT 07 2010

OFFICE OF PETITIONS

In re Application of :
Younane ABOUSLEIMAN et al :
Application No. 12/106,899 :
Filed: April 21, 2008 :
Attorney Docket No. 5837.106 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely and completely reply to the Notice of Incomplete Parts mailed May 22, 2008. Petitioner's reply filed November 19, 2008 was incomplete and petitioner's reply dated December 5, 2008 was untimely. The application was statutorily abandoned on November 23, 2008. The Notice of Abandonment was mailed on July 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an Oath and surcharge fee of $65.00; (2) the petition fee of $810.00; and (3) a showing to the satisfaction of the Commissioner that the entire delay was unintentional.

The application file is being forwarded to OIPE for processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55440-1022

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JAN 20 2011
OFFICE OF PETITIONS

In re Application	:	
Michelle R. Dalton	:	
Application No. 12/106,967	:	DECISION ON PATENT TERM ADJUSTMENT
Filed: April 21, 2008	:	
Attorney Docket No. 07844-037003	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)", filed December 23, 2010, requesting correction of the initial determination of patent term adjustment (PTA) from two hundred ninety-three (293) days to three hundred ten (310) 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 **three hundred ten (310) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 23, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred ninety-three (293) days. On December 23, 2010, Applicant timely[1] submitted the instant application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is three hundred eleven (311) days.

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[1] Applicant filed the application for patent term adjustment together with the payment of the issue fee.

Applicant states that the patent issuing from the application is subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of two hundred ninety-three (293) days based on an adjustment for PTO delay of three hundred eleven (311) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by Applicants' delay of eighteen (18) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8). The adjustment of 18 days is at issue.

Applicant asserts entitlement to a patent term adjustment of three hundred ten (310) days on the basis that the PTO improperly assessed Applicant a delay of 18 days pursuant to 37 CFR 1.704(c)(8) for filing a Terminal Disclaimer on July 26, 2010, subsequent to the filing of an Amendment on July 8, 2010. Applicant states that no Terminal Disclaimer was filed on July 26, 2010. A review of the application reveals that Applicant is correct. The Terminal Disclaimer was filed with the Amendment on July 8, 2010. However, Applicant did file a supplemental IDS on July 9, 2010. Therefore, pursuant to 37 CFR 1.704(c)(8), one (1) day of Applicant delay should have been assessed, not eighteen (18) days.

Accordingly, the correct determination of PTA at the time of mailing of the Notice of Allowance is **three hundred ten (310) days** (311 days of PTO delay, reduced by 1 day of applicant delay).

Receipt of the $200 fee under § 1.18(e) 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 Cliff Congo, Petitions Attorney, at (571)272-3207.

Anthony Knight
Director
Office of Petitions

Enc: updated PAIR screen

Patent Term Adjustments

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

Application Number*: 12106967 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12106967

Application Filing Date	04/21/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	311
A Delays	311	PTO Manual Adjustment	17
B Delays	0	Applicant Delay (APPL)	18
C Delays	0	Total PTA (days)	310

* - 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	01/18/2011		P020	Adjustment of PTA Calculation by PTO	17		0
40	09/23/2010		MN/=.	Mail Notice of Allowance			0
39	09/20/2010		IREV	Issue Revision Completed			0
38	09/20/2010		DVER	Document Verification			0
37	09/20/2010		N/=.	Notice of Allowance Data Verification Completed			0
35	09/17/2010		EX.A	Examiner's Amendment Communication			0
34	09/17/2010		CNTA	Notice of Allowability			0
36	09/15/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
33	09/15/2010		DOCK	Case Docketed to Examiner in GAU			0
31	07/27/2010		PS74	Paralegal TD Accepted			0
30	07/27/2010		PS74	Paralegal TD Accepted			0
29	07/26/2010	07/08/2010	DIST	Terminal Disclaimer Filed		18	24
28	07/26/2010		DIST	Terminal Disclaimer Filed			0
25	07/12/2010		FWDX	Date Forwarded to Examiner			0
32	07/09/2010		IDSC	Information Disclosure Statement considered			0
27	07/09/2010		RCAP	Reference capture on IDS			0
26	07/09/2010		M844	Information Disclosure Statement (IDS) Filed			0
23	07/09/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
24	07/08/2010		A...	Response after Non-Final Action			0
22	04/28/2010		ELC_RVW	Electronic Review			0
21	04/28/2010		EML_NTF	Email Notification			0
20	04/28/2010	06/21/2009	MCTNF	Mail Non-Final Rejection	311		-1
19	04/26/2010		CTNF	Non-Final Rejection			0
14	02/28/2010		DOCK	Case Docketed to Examiner in GAU			0
13	02/19/2010		DOCK	Case Docketed to Examiner in GAU			0
12	05/31/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
9	05/27/2008		OIPE	Application Dispatched from OIPE			0
8	05/09/2008		PGPC	Sent to Classification Contractor			0
7	05/09/2008		FLRCPT.O	Filing Receipt			0
6	05/09/2008		COMP	Application Is Now Complete			0
5	04/29/2008		L194	Cleared by OIPE CSR			0
4	04/23/2008		SCAN	IFW Scan & PACR Auto Security Review			0
16	04/21/2008		IDSC	Information Disclosure Statement considered			0
11	04/21/2008		RCAP	Reference capture on IDS			0
10	04/21/2008		M844	Information Disclosure Statement (IDS) Filed			0
3	04/21/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
2	04/21/2008		NPRQ	PGPubs nonPub Request			0
1	04/21/2008		IEXX	Initial Exam Team nn			0

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OLSON & BEAR LLP
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FOURTEENTH FLOOR
IRVINE CA 92614

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OCT 01 2010

OFFICE OF PETITIONS

Patent No. 7,762,838	:	
Issue Date: 27 July, 2010	:	
Application of	:	DECISION
Gorman	:	ON PETITION
Application No. 12/106,984	:	
Filed: 21 April, 2008	:	
Attorney Docket No. ELOCK.004C1C2	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 14 May, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application.

The petition is **DISMISSED**.

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

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

The instant application issued as Patent No. 7,762,838 on 27 July, 2010. The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

Patent No. 7,762,838
Application No. 12/106,984

Office records reflect that the new claim was presented in an application data sheet (ADS) submitted on 14 May, 2010, with the petition. Because the patent has issued, Petitioner must file a request for a Certificate of Correction in conjunction with a petition pursuant to 37 C.F.R. §1.78 petition. (*See*: MPEP §1481.03(II)(B).)

Accordingly, the petition pursuant to 37 C.F.R. §1.78(a)(3) is **dismissed**.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

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Patent No. 7,762,838	:	
Issue Date: 27 July, 2010	:	
Application of	:	DECISION
Gorman	:	ON PETITION
Application No. 12/106,984	:	
Filed: 21 April, 2008	:	
Attorney Docket No. ELOCK.004C1C2	:	

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(3), filed 11 October, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application—Petitioner also appears to have requested on 12 October, 2010, the expedited handling of the matter pursuant to 37 C.F.R. §1.182.

The petition pursuant to 37 C.F.R. §1.182 is **GRANTED**; and the petition pursuant to 37 C.F.R. §1.78(a)(3) is **GRANTED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 C.F.R. §1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 C.F.R. §1.78(a)(2)(i) and 1.78(a)(2)(iii).

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

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

require additional information where there is a question whether the delay was unintentional.

The instant application issued as Patent No. 7,762,838 on 27 July, 2010. Office records reflect that the new claim was presented in an application data sheet (ADS) submitted on 14 May, 2010, and in an amendment submitted on 20 October, 2010.

The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 C.F.R. §1.78(a)(3).

The petition is **granted**.

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

Petitioner is reminded that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

As authorized, the surcharge fee was previously charged and the certificate of correction fee is charged Deposit Account No. 11-1410.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enclosure: corrected filing receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/106,984	04/21/2008	2833	2650	ELOCK.004C1C2	20	3

CONFIRMATION NO. 8826

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

OC000000044129808

Date Mailed: 10/22/2010

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

Applicant(s)

Michael P. Gorman, Languna Niguel, CA;

Assignment For Published Patent Application

ProtectConnect, Inc., Oceanside, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/493,366 07/25/2006 PAT 7,361,051
which is a CON of 10/443,444 05/22/2003 PAT 6,884,111
which claims benefit of 60/383,269 05/23/2002
and claims benefit of 60/441,852 01/21/2003
and said 11/493,366 07/25/2006
is a CON of 11/110,659 04/20/2005 PAT 7,081,010
which is a CON of 10/443,444 05/22/2003 PAT 6,884,111
which claims benefit of 60/383,269 05/23/2002
and claims benefit of 60/441,852 01/21/2003

Foreign Applications

If Required, Foreign Filing License Granted: 05/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/106,984**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

SAFETY MODULE ELECTRICAL DISTRIBUTION SYSTEM

Preliminary Class

439

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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Crockett & Crockett, P.C.
26020 ACERO
Suite 200
Mission Viejo, CA 92691

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Alex Vayser et al. :
Application No. 12/107,006 : DECISION ON PETITION
Filed: April 21, 2008 : TO WITHDRAW
Attorney Docket No. 212/680 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Crockett & Crockett, P.C., has been revoked by the assignee of the patent application on January 31, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kilpatrick Townsend & Stockton, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Kimmel et al.	:	DECISION ON PETITION
Application No. 12/107,008	:	TO WITHDRAW
Filed: April 21, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00200	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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STEVENS LAW GROUP
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SUITE #226
SAN JOSE CA 95110

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Kimmel et al.	:	DECISION ON PETITION
Application No. 12/107,008	:	TO WITHDRAW
Filed: April 21, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00200	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

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AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Kimmel et al.	:	DECISION ON PETITION
Application No. 12/107,008	:	TO WITHDRAW
Filed: April 21, 2008	:	FROM RECORD
Attorney Docket No. NOVA-00200	:	

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed July 7, 2011.

The request is **APPROVED**.

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

The request was signed by David R. Stevens on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: NOVAFORA, INC.
2460 N. 1ST ST, SUITE 200
SAN JOSE CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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GREENBERG TRAURIG LLP (LA)
C/O: GREENBERG TRAURIG LLP
CHICAGO OFFICE
77 WEST WACKER DRIVE SUITE 3100
INTELLECTUAL PROPERTY
DEPARTMENT
CHICAGO IL 60601

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,973,418	: DECISION ON
Alvarado, et al.	: REQUEST FOR RECONSIDERATION
Application No. 12/107,009	: of PATENT TERM ADJUSTMENT
Issue Date: July 5, 2011	: and
Filed: April 21, 2008	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 072145-014901	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705", filed August 17, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from one hundred forty-three (143) days to two hundred eighteen (218) days.

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

On July 5, 2011, the instant application matured into U.S. Patent No. 7,973,418 with a patent term adjustment of 143 days. The Office determined a patent term adjustment of 143 days based upon 222 days of Office delay pursuant to 37 CFR 1.703(a)(1), reduced by 58 days of Applicant delay under 37 CFR 1.704(b) and 21 days of applicant delay under 37 CFR 1.704(c)(10).

Patentee is correct that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the "B" delay period. The over three year period began on April 22, 2011 and ended on July 5, 2011 (the patent issue date), and is 75 days.

See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the "B" delay period is 75 days, not 0 days as originally calculated.

In view thereof, the correct number of days of patent term adjustment is **two hundred eighteen (218)** days (222 days of "A" delay and 75 days of "B" delay, reduced by 79 days (58+21) days of Applicant delay).

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 **two hundred eighteen (218) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,973,418 B2

DATED : **July 5, 2011**

INVENTOR(S) : Alvarado 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 143 days.

Delete the phrase "by 143 days" and insert – by 218 days--

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DUANE MORRIS LLP – BOSTON
IP DEPARTMENT
SUITE 2400
100 HIGH STREET
BOSTON MA 02110-1724

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
TEPIC	:	
Application No. 12/107,068	:	DECISION ON PETITION
Filed: April 21, 2008	:	
Attorney Docket No. U2158-00302	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 6, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 7, 2008. A Notice of Abandonment was mailed January 12, 2009.

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

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

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

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

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

cc: LEE CREWS
DUANE MORRIS LLP – BOSTON
IP DEPARTMENT
470 ATLANTIC AVE, SUITE 500
BOSTON, MA 02210-2243

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Duane Morris LLP - Boston
IP Department
Suite 2400
100 High Street
Boston MA 02110-1724

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Slobodan Tepic et al.	:	
Application No. 12/107,070	:	DECISION ON PETITION
Filing Date: April 21, 2008	:	
Attorney Docket No. **U2158-00402**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisonal Application (Notice), mailed May 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 7, 2008.

The petition is hereby **GRANTED**.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event

that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for normal course of business.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Duane Morris LLP – Boston
IP Department
470 Atlantic Ave., Suite 500
Boston, MA 02210-2243

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Commissioner for Patents
United States Patent and Trademark Office
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Duane Morris LLP - Boston
IP Department
Suite 2400
100 High Street
Boston MA 02110-1724

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SEP 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Slobodan Tepic	:	
Application No. 12/107,071	:	DECISION ON PETITION
Filing Date: April 21, 2008	:	
Attorney Docket No. **U2158-00502**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisonal Application (Notice), mailed May 7, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 8, 2008.

The petition is hereby **GRANTED**.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event

that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) for normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Duane Morris LLP – Boston
IP Department
470 Atlantic Ave., Suite 500
Boston, MA 02210-2243

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MAR 16 2011

OFFICE OF PETITIONS

NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103

In re Application of Alister Watt Application No. 12/107,106 Filed: April 22, 2008 Attorney Docket No. WATT-005	: : : : : :	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 26, 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 Michael S. Neustel on behalf of himself. Accordingly, Michael S. Neustel associated with the above-identified application has been withdrawn.

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

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

Currently, a there is an outstanding Office action mailed November 26, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Alister Watt
214 North Front Street
McComb, MS 39648

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.
12/107,146	04/22/2008	Pappachan Kolattukudy	1015020.UT	9173

7590 07/14/2011
CHRISTOPHER M. RAMSEY
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE
STE. 1401
ORLANDO, FL 32801

EXAMINER
SWARTZ, RODNEY P

ART UNIT	PAPER NUMBER
1645	

NOTIFICATION DATE	DELIVERY MODE
07/14/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

July 11, 2011

CHRISTOPHER M. RAMSEY
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE
STE. 1401
ORLANDO FL 32801

In re Application of	:	
Pappachan Kolattukudy et al.	:	**DECISION ON PETITION**
Application No. 12107146	:	
Filed: 04/22/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **1015020.**UT	:	***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) September 17, 2008.
The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BARNES & THORNBURG, LLP
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, IN 46204

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of
Chad M. Boerst et al
Application No. 12/107,150
Filed: April 22, 2008
Attorney Docket No. 7175-203537

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 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 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.[1]

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

This matter is being referred to Technology Center AU 3764 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

William James McDermid
8246 Willow Lane
Longmont CO 80503

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of :
McDermid :
Application No. 12/107,244 :
Filed: April 22, 2008 :
Attorney Docket No. 35038-011 :
For: METHOD AND APPARATUS FOR DETERMINING COORDINATES OF SIMULTANEOUS TOUCHES ON A TOUCH SENSOR PAD

ON PETITION

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

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from 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)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed May 10, 2011, which set an extendable three month period for reply. No extensions of time being obtained and no proper reply being timely filed, the application became abandoned on August 11, 2011. A Notice of Abandonment was mailed on December 27, 2011.

A grantable petition pursuant to 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. The Director may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirement (1) above.

Petitioner has not submitted a proper reply to May 10, 2011 non-final Office action. Either an amendment in response to the Office action or a continuing application would be a proper reply. On November 10, 2011 petitioner submitted a listing of the claims. **However, petitioner has not submitted a paper, in compliance with § 1.52, directing that specified amendments be made**. See 37 CFR 1.121(a).

Petitioner submitted a $65.00 late filing fee for oath or declaration on November 10, 2011. This fee is unnecessary and will be refunded to petitioner's credit card.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7824103**
Ser. No. : **12/107320**
Inventor(s) : **CRESENS, MARC**
Issued : **11/02/2010**
Title : **SCATTER-POOR DOSIMETER SUPPORT DEVICE AND METHOD OF OPERATION**
Docket No. : **0119.0076US1 (HEGN07008)**

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.

In regards to the alleged error(s) in the Claims, Column 4, line 34 is printed in accordance with the Claims filed on 8-2-10 by the applicant/attorney.

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

A request for Reconsideration accompanied by the $100 fee can be filed to correct this error.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

HOUSTON ELISEEVA
420 BEDFORD ST
SUITE 155
LEXINGTON MA 02420

OL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Ruijie Shi	)
Confirmation No.: 9517	)
	)
Serial No.: 12/107,327	)
	)
Filing Date: 04-22-2008	)
	)
Atty Docket No.: 228414-1	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: December 7, 2010

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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: 228414-1	Application Number (if known): 12/107,327	Filing date: 04-22-2008
First Named Inventor: Ruijie Shi		
Title: SYSTEMS AND METHODS INVOLVING WIND TURBINE TOWERS FOR POWER APPLICATIONS		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date December 7, 2010
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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.

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.
12/107,327	04/22/2008	Ruijie Shi	228414-1	9517

6147 7590 12/21/2010
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER
LOOK, EDWARD K

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):

ldocket@crd.ge.com
rosssr@ge.com
gpodckt.mail@ge.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

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

In re Application of	:	
SHI, RUIJIE et al	:	DECISION ON PETITION
Application No. 12/107,327	:	TO MAKE SPECIAL UNDER
Filed: April 22, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 228414-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 7, 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**.

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. For example, it is not clear how the claimed system and method for determining wind turbine tower base torque loads will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

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

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

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Ruijie SHI	)
Confirmation No.: 9517	)
	)
Serial No.: 12/107,327	)
	)
Filing Date: April 22, 2008	)
	)
Atty Docket No.: 228414-1	)

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

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 21 December 2010, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to systems and methods involving wind turbine towers for power applications. Torque loads on wind turbine tower bases are monitored and wind turbine operations are modified and/or shut down to reduce these torque loads to avoid overload conditions and ensure safe and proper wind turbine operation. Monitored wind turbine operating characteristics such as wind speed, horizontal acceleration, and turbine rotor speed and blade pitch can be used to determine such wind turbine tower base torque loads. However, the tower base torque load can be complex to determine, for example, through the use of numerous strain

gauges and other devices to monitor the wind turbine and estimate the torque load. The embodiments disclosed herein provide for a less complex determination of a tower base torque load based on parameters monitored by one or more components of a wind turbine according to a first order linear equation. Thus the present invention materially contributes to the development of renewable energy by providing simplified and accurate systems and methods for determining wind turbine tower base torque loads, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: January 20, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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: 228414-1	Application Number (if known): 12/107,327	Filing date: 04-22-2008
First Named Inventor: Ruijie Shi		
Title: SYSTEMS AND METHODS INVOLVING WIND TURBINE TOWERS FOR POWER APPLICATIONS		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date December 7, 2010
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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

☐ *Total of ..... forms are submitted.

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

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/107,327	04/22/2008	Ruijie Shi	228414-1	9517

6147 7590 02/01/2011
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

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

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

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

ldocket@crd.ge.com
rosssr@ge.com
gpodckt.mail@ge.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

In re Application of	:	
SHI, RUIJIE et al	:	DECISION ON PETITION
Application No. 12/107,327	:	TO MAKE SPECIAL UNDER
Filed: April 22, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 228414-1	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Jan. 20, 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 Henry C. Yuen at 571-272-4856.

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

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.
12/107,328	04/22/2008	Brian Speldrich	H0018113 (002.6040)	9519

89955 7590 10/18/2011
HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

EXAMINER
OCHOA, JUAN CARLOS

ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
10/18/2011	ELECTRONIC

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

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

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

patentservices-us@honeywell.com
DL-ACS-SM-IP@Honeywell.com
docketing@ifllaw.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

HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown NJ 07962-2245

In re Application of:
SPELDRICH, Brian
Application No. 12/107,328
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR IMPROVING FATIGUE LIFE OF A WOBBLEFRAM**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on September 6, 2011 requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 6, 10 and 17 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 6, 10 and 17. However, the amendment to the specification filed concurrently with the instant petition fails to comply with the required notification described above.

Accordingly, the petition is **DISMISSED**.

A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

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.
12/107,328	04/22/2008	Brian Speldrich	H0018113 (002.6040)	9519

89955 7590 01/11/2012
HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

EXAMINER
OCHOA, JUAN CARLOS

ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
01/11/2012	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):

patentservices-us@honeywell.com
DL-ACS-SM-IP@Honeywell.com
docketing@ifllaw.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

HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown NJ 07962-2245

In re Application of:
SPELDRICH, Brian
Application No. 12/107,328
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR IMPROVING FATIGUE LIFE OF A WOBBLEFRAM**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the renewed petition under 37 C.F.R. § 1.84(a)(2), filed on December 16, 2011 requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 6, 10 and 17 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 6, 10 and 17. The amendment to the specification filed concurrently with the reviewed petition contains the required notification described above.

Accordingly, the petition is **GRANTED**.

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 11,2011

In re Application of :

Hajime SAKAMOTO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12107377

Filed : 22-Apr-2008

Attorney Docket No : 323335US40DIV

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

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2893 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12107377
Filing Date	22-Apr-2008
First Named Inventor	Hajime SAKAMOTO
Art Unit	2893
Examiner Name	EDUARDO RODELA
Attorney Docket Number	323335US40DIV
Title	SEMICONDUCTOR ELEMENT, METHOD OF MANUFACTURING SEMICONDUCTOR ELEMENT, MULTI-LAYER PRINTED CIRCUIT BOARD, AND METHOD OF MANUFACTURING MULTI-LAYER PRINTED CIRCUIT BOARD

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

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

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

Petition Fee

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

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

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

RCE request,submission, and fee.

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

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole inventor

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

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

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

Signature	/Akihiro Yamazaki/
Name	Akihiro Yamazaki
Registration Number	46155

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7812451**
Ser. No. : **12/107391**
Inventor(s) : **ASANO, TAKASHI**
Issued : **10/12/2010**
Title : **SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME**
Docket No. : **325526US6**

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.

In regards to the alleged error(s) in the Specification, Column 1, line 9 is printed in accordance with the Specification filed on 4-22-08 by the applicant/attorney.

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

A request for Reconsideration accompanied by the $100 fee can be filed to correct this error.

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 VA 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.
12/107,438	04/22/2008	Ryan C. Fry	I246C/US	9748

49278 7590 03/14/2011
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAR 14 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
FRY, RYAN C. et al
Appl. No.: 12/107,438
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR AUTOMATICALLY SENDING A CAPTURED IMAGE TO A PHONE CALL PARTICIPANT**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on 24 January 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik, QAS
Technology Center 2600
Communications

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.
12/107,438	04/22/2008	Ryan C. Fry	I246C/US	9748

49278 7590 07/19/2011
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

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

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

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SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

MAIL

JUL 19 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
FRY, RYAN C. et al
Appl. No.: 12/107,438
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR AUTOMATICALLY SENDING A CAPTURED IMAGE TO A PHONE CALL PARTICIPANT**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on June 28, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed June 28, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik, QAS
Technology Center 2600
Communications

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.
12/107,438	04/22/2008	Ryan C. Fry	I246C/US	9748

49278 7590 11/03/2011
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/03/2011	PAPER

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

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

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NOV 03 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
FRY, RYAN C. et al
Appl. No.: 12/107,438
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR AUTOMATICALLY SENDING A CAPTURED IMAGE TO A PHONE CALL PARTICIPANT**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the fourth petition for suspension of prosecution under 37 CFR § 1.103(a) filed on October 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed October 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik, TQAS
Technology Center 2600
Communications

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.
12/107,438	04/22/2008	Ryan C. Fry	1246C/US	9748

49278 7590 02/16/2012
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/16/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAIL

FEB 16 2012

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
FRY, RYAN C. et al
Appl. No.: 12/107,438
Filed: April 22, 2008
For: **METHOD AND APPARATUS FOR AUTOMATICALLY SENDING A CAPTURED IMAGE TO A PHONE CALL PARTICIPANT**

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the fifth petition for suspension of prosecution under 37 CFR § 1.103(a) filed on February 07, 2012.

The petition is **GRANTED**.

Pursuant to applicant's request filed February 07, 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Michael Horabik whose telephone number is (571) 272-3068.

/Michael Horabik/

Michael Horabik, TQAS
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Erickson et al.	:	
Application No. 12/107,442	:	ON PETITION
Filed: April 22, 2008	:	
Attorney Docket No. 1221.1112101	:	

This is a decision on the petition, filed March 21, 2011, which is being treated as a petition under 37 CFR 1.181, 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 and properly respond to the Notice of Non-Compliant Amendment (37 CFR 1.121), mailed May 3, 2010, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before June 3, 2010. A Notice of Abandonment was mailed January 31, 2011.

Petitioner states, "Both the original Notice of Non-Compliant Amendment mailed May 3, 2010 and the Notice of Abandonment mailed January 31, 2011 are based on the erroneous assumption that an amendment to the pending specification was being attempted even though both communications clearly identify the typographical error as present in the published application at paragraph [0006], line 17, there being no corresponding numbered paragraph [0006] in the specification." Petitioner further states, "Applicants believes that the delay resulted from an erroneous interpretation by the Office of a comment intended to be informative and respectfully request that the petition fee be waived."

After a review of the application file, it is clear the April 20, 2010 communication entitled "Correction of Error" was not intended as an amendment to the specification, but, as petitioner pointed out, merely to bring attention to an error in the published application. Accordingly, as the Notice of Non-Compliant Amendment was issued in error, the holding of abandonment for is hereby withdrawn and the application restored to pending status.

The $810.00 petition fee will be credited to petitioner's deposit account as authorized.

This application is being referred to Technology Center AU 3767 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TULSA OK 74103

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert T. Crandall	:	
Application No. 12/107,472	:	DECISION ON PETITION
Filed: April 22, 2008	:	
Attorney Docket No. 008792-00008	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 21, 2010. Accordingly, the date of abandonment of this application is July 22, 2010. A Notice of Abandonment was mailed on August 6, 2010.

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

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

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.
12/107,553	04/22/2008	Toshihiro OGATA	OOCL-412 (US-P2735)	9932

7590 08/10/2010
STRAUB & POKOTYLO
788 Shrewsbury Avenue
TINTON FALLS, NJ 07724

EXAMINER
JERABEK, KELLY L

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
08/10/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 08/11/2010 NFARMER
04/23/2008 INTEFSW 00002291 501249 12107553
02 FC:1111 510.00 OR

FORM PET651G (Rev. 08/07)

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12107601
Filing Date	22-Apr-2008
First Named Inventor	Todd Kolstee
Art Unit	2885
Examiner Name	Y LEE
Attorney Docket Number	060.041508
Title	VEHICLE MINI LAMP RETROFIT ATTACHMENT ASSEMBLY

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- (●) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ( ) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Carl Hjort/
Name	Carl A. Hjort, III
Registration Number	56934

UNITED STATES 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 :

Todd Kolstee

Application No : 12107601

Filed : 22-Apr-2008

Attorney Docket No : 060.041508

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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12107701
Filing Date	22-Apr-2008
First Named Inventor	VAHID SAADAT
Art Unit	3734
Examiner Name	DIANE YABUT
Attorney Docket Number	USGINZ03801
Title	APPARATUS FOR MANIPULATING AND SECURING TISSUE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 40518

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

10.40(b)(4)

Certifications

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

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

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

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

Name	USGI Medical, Inc.
Address	1140 Calle Cordillera
City	San Clemente
State	CA
Postal Code	92673
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565

UNITED STATES 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 7,2011

In re Application of :

VAHID SAADAT

Application No : 12107701

Filed : 22-Apr-2008

Attorney Docket No : USGINZ03801

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7,2011

The request is **APPROVED.**

The request was signed by Johney U. Han (registration no. 45565) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Cusotmer Number 40518 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	USGI Medical, Inc.
Name2	
Address 1	1140 Calle Cordillera
Address 2	
City	San Clemente
State	CA
Postal Code	92673
Country	US

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

SEAN KAUFHOLD
P. O. BOX 89626
SIOUX FALLS SD 57109

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Cooper et al.	:	
Application No. 12/107,887	:	
Filed: April 23, 2008	:	
Attorney Docket No. SK08008	:	

This is a decision on the "Petition to Withdraw Abandonment for Failure to Timely Pay Issue Fee Under 37 CFR 1.137(b)," filed September 21, 2010, which for the reasons stated herein is properly treated as a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b).

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

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, April 26, 2010, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No fee submitted the application became abandoned effective July 27, 2010. A Notice of Abandonment was mailed on August 11, 2010.

Although the instant petition is framed as a "Petition to Withdraw Abandonment," it references 37 CFR 1.137(b), includes both payment of the petition fee, and a statement that the delay was unintentional. Further, a review of the record confirms that withdrawal of the abandonment pursuant to 37 CFR 1.181 is not warranted. Accordingly, the petition is considered under the provisions of 37 CFR 1.137(b).

The petition includes the required reply[1] in the form of payment of the Issue Fee and Publication Fee; payment of the petition

[1] The Notice of Allowability did not set forth a distinct but concurrent requirement for corrected drawings. Moreover, the application did not require payment of a publication fee.

fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

It is concluded that all requirements of 37 CFR 1.137(b) have been met.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,820,078 :
Issue Date: October 26, 2010 :
Application No. 12/107,898 : ON PETITION
Filed: April 23, 2008 :
Attorney Docket No. 702880 :

This is in response to the PETITION PURSUANT TO 37 CFR 3.81(b) TO CORRECT NAME OF THE ASSIGNEE and the REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR APPLICANT'S MISTAKE (37 CFR 1.323) both filed March 21, 2011, which are properly treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Pursuant to the issue fee transmittal filed August 24, 2010, the patent issued in the name of assignee "Agfa Graphics, N.V." Mortsel, Belgium. Patentees file this request, requesting that the name of the assignee be corrected to "Agfa-Gevaert, N.V." and submit a certificate of correction for this purpose.

Petitioner's evidence and Office records show that the assignment of the above-identified application to Agfa-Gevaert was recorded on May 2, 2008. The recording of the assignment (Reel/Frame 020894/0320) occurred before issuance of the patent on October 26, 2010. Further, a review of the assignment reveals that the assignment to Agfa-Gevaert was recorded as an assignment to a naamloze vennootschap. Moreover, N.V. stands for naamloze vennootschap, which in Dutch, means "Nameless Partnership."

Thus, it is consistent with the recorded assignment to issue a certificate of correction with the name of the assignee being corrected to "Agfa-Gevaert, N.V."

Receipt of the required $100 certificate of correction fee and the required $130 processing fee is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction to correct the Assignee data.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK NY 10019

MAILED

MAY 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Jinsock Lee, et al.	:	
Application No. 12/107,947	:	DECISION GRANTING PETITION
Filed: April 23, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. K2291.0121	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/108,003	04/23/2008	Kun-Sheng Kuo	US14132	1759

7590 02/17/2011
Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

EXAMINER
TRUONG, NGUYEN H

ART UNIT	PAPER NUMBER
4175	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,952,786	:	
Issue Date: May 31, 2011	:	
Application No. 12/108,030	:	NOTICE
Filed: April 23, 2008	:	
Attorney Docket No. MIRA/0002.D1	:	

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

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Townsend and Townsend and Crew LLP /Pulmonx 017534
Two Embarcadero Center, Eighth Floor
San Francisco CA 94111-3834

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert Kotmel et al.	:	
Application No. 12/108,035	:	DECISION ON PETITION
Filed: April 23, 2008	:	TO WITHDRAW
Attorney Docket No. **017534-001720US**	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

The request is not approved because the practitioner(s) lacks items (1) (2) and (3) certifications mention above that is required under 37 CFR 10.40. It is also noted, that the request failed to list a correspondence address for either the first named inventor or the assignee of record. Therefore, the request can not be granted at this time we strongly encourage petitioner to use the enclosed Request for Withdrawal as Attorney or Agent and Change of Correspondence Address form PTO/SB/83.

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
Petitions Examiner
Office of Petitions

Attachment: Blank Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) form

Docket No. 325604US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuki NISHIMURA, et al.

SERIAL NO:	12/108,066	EXAMINER:	CROUSE, BRETT A
FILED:	April 23, 2008	GROUP ART UNIT:	1786
FOR:	ORGANIC ELECTROLUMINESCENCE DEVICE AND MATERIAL FOR ORGANIC ELECTROLUMINESCENCE DEVICE		

PETITION UNDER 37 C.F.R. § 1.102

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Special status under the Backlog Reduction Plan is sought for the above-identified application. Copending application number 12/293,724 has been expressly abandoned as required. A copy of the express abandonment filed in the copending application is submitted herewith.

The expressly abandoned application and the instant application are held by the same assignee(s) Idemitsu Kosan Co., Ltd.

Applicant has not filed petitions in more than fourteen other applications requesting special status under this program.

Applicant(s) 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.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

Electronic Acknowledgement Receipt

EFS ID:	8989353
Application Number:	12293724
International Application Number:	
Confirmation Number:	3543
Title of Invention:	COPY LIGHT EMITTING APPARATUS
First Named Inventor/Applicant Name:	Mitsuru Eida
Customer Number:	22850
Filer:	Marvin Jay Spivak/Michelle Munday
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	332080US0PCT
Receipt Date:	08-DEC-2010
Filing Date:	19-SEP-2008
Time Stamp:	11:55:34
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		332080USABANDON.PDF	87799 24784791596908f52ad1a7f6f4b4c7fbbae6f18b	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Miscellaneous Incoming Letter	1	1
	Letter Express Abandonment of the application	2	3

Warnings:

Information:

Total Files Size (in bytes):	87799

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

COPY

OBLON
SPIVAK

ATTORNEYS AT LAW

RICHARD L. TREANOR
(703) 412-6007
RTREANOR@OBLON.COM

JACOB A. DOUGHTY
(703) 413-3000
JDOUGHTY@OBLON.COM

Docket No.: 332080US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 12/293,724
Applicants: Mitsuru EIDA, et al.
Filing Date: September 19, 2008
For: LIGHT EMITTING APPARATUS
Group Art Unit: 2879
Examiner: MACCHIAROLO, PETER J.

COPY

SIR:

Attached hereto for filing are the following papers:

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. **15-0030**. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 10/09)

Docket No. 332080US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Mitsuru EIDA, et al.

SERIAL NO: 12/293,724

FILED: September 19, 2008

FOR: LIGHT EMITTING APPARATUS

EXAMINER: MACCHIAROLO, PETER J

GROUP ART UNIT: 2879

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

COPY

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) request that the above-identified application be expressly abandoned as of the filing date of this paper.

Applicant(s) has not and will not file an application that claims the benefit of this application.

Applicant(s) has not and will not file a new application that claims the same invention claimed in the instant application.

Applicant(s) agrees not to request a refund of any fees paid in this application.

A petition under 37 CFR 1.102 is being filed concurrently herewith in application serial number 12/108,066 for which special status is sought by abandonment of the instant application under the Application Backlog Reduction Stimulus Plan.

The instant application and the application for which special status is being sought under the Application Backlog Reduction Stimulus Plan are held by the same assignee(s) Idemitsu Kosan Co., Ltd.

Applicant(s) has not received special status for more than fourteen (14) other applications under this program.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Richard L. Treanor
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/10)

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED
DEC 16 2010
OFFICE OF PETITIONS

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

In re Application of :
NISHIMURA, et al. :
Application No. 12/108,066 :
Filed: April 23, 2008 :
Attorney Docket No. **325604US0** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 8, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

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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LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Frankie F. **ROOHPARVAR et al**	:	
Application No. 12/108,105	:	DECISION DISMISSING
Filed: April 23, 2008	:	PETITION UNDER 37 CFR 1.181
Attorney Docket No. 400.504US01	:	

This is a decision on the 37 CFR 1.181 petition, filed April 4, 2011, requesting that the above-identified application be considered as filed on September 9, 2008, which is the date when all required application documents were received by the United States Patent and Trademark Office (USPTO), instead of the currently accorded filing date of November 7, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). Extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Technology Center with the presently accorded filing date of November 7, 2008.

Petitioner requests the filing date of September 9, 2008 on the basis that the documents received on September 9, 2008, is the date all required documents were submitted to the USPTO. On May 9, 2008 a first Notice to File Corrected Application Papers was mailed regarding omitted Figure 9, as well as requiring a replacement Figure 10, due to erasures and copy marks. Petitioner responded on June 30, 2008, however Figure 9 was now considered to be improper. A second Notice to File Corrected Application Papers was mailed on July 9, 2008 regarding the improper Figure 9. Petitioner responded on September 9, 2008 with a Figure 9. A third Notice to File Corrected Application Papers was mailed on September 18, 2008 informing petitioner that the communication filed September 9, 2008 was not accepted because the time period set in the original two month period for response had expired. No extension of time had been received. On November 7, 2008, petitioner files a request for a four month extension of time to extend the response time from July 9, 2008 to November 9, 2008. Petitioner included a complete set of drawings, and a petition under 37 CFR 1.182 for a later filing date. The petition under 37 C FR 1.182 was granted on December 5, 2008, and petitioner was accorded a filing date of November 7, 2008. Petitioner now requests a filing date of September 9, 2008 under 37 CFR 1.181 on the basis that the Office of Petitions incorrectly granted a filing date of November 7, 2008. Petitioner submits that Figure 9 was correctly submitted on September 9, 2008.

A review of the file in the above mentioned application indicates that petitioner filed a 37 CFR 1.182 petition for later filing date on November 7, 2008 along with the $400.00 fee required under 37 CFR 1.17(f). A petition for later filing date also requires a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64. The date all documents are received along with the oath establishes the later filing date. Here, the oath was not filed on September 9, 2008, but on November 7, 2008. Hence, this application must be accorded a date of November 7, 2008. Accordingly, the petition 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 facsimile: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries concerning this matter may 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
www.uspto.gov

IN-IP Law Group, P.C.
301 Grant Street, Suite 4308
Pittsburgh PA 15219

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Jarrid L. Henderson, et al.	:	
Application No. 12/108,121	:	DECISION ON PETITION
Filed: April 23, 2008	:	
Attorney Docket No. 5947-10003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 2, 2010. Accordingly, the date of abandonment of this application is March 3, 2011. The Notice of Abandonment was March 17, 2011.

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin J. Moran
1000 Cherrington Parkway
Moon Township PA 15108

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of	:	
James G. Malonet	:	
Application No. 12/108,172	:	DECISION ON PETITION
Filed: April 23, 2008	:	
Attorney Docket No. 08-EDP-003	:	

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 Notice of File Corrected Application Papers, mailed May 4, 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 July 6, 2010 (July 4th fell on a Sunday, July 5th federal holiday). A Notice of Abandonment was mailed on July 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 corrected drawings (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly the corrected drawings, are accepted as being unintentionally delayed.

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Grant E. Coffield
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

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

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12108194
Filing Date	23-Apr-2008
First Named Inventor	Naoya IWASAKI
Art Unit	2837
Examiner Name	RINA DUDA
Attorney Docket Number	SAN.003.0017.NP
Title	MOTOR CONTROL DEVICE

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

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

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

RCE request,submission, and fee.

☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.12.30

☐ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole inventor

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

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

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

Signature	/michael j bell/
Name	Michael J. Bell
Registration Number	39604

UNITED STATES 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 29, 2011

In re Application of :

Naoya IWASAKI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12108194

Filed : 23-Apr-2008

Attorney Docket No : SAN.003.0017.NP

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 201,1to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of	:	
James D. Pipkin, et al.	:	
Application No. 12/108,228	:	DECISION DISMISSING PETITION
Filed: April 23, 2008	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 2364.0610000/JUK/SAS	:	

This is a decision on the petition under 37 CFR 1.313(a), filed May 31, 2011, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on March 25, 2011, with the issue fee being due on or before June 25, 2011. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991.

The matter is being referred to Technology Center AU 1623 for appropriate processing of the RCE filed May 31, 2011, and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOGAN LOVELLS US, LLP
1999 AVENUE OF THE STARS, SUITE 1400
LOS ANGELES, CA 90067

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of

Artem MUCHKAEV
Application No. 12/108,322
Filed: April 23, 2008
Attorney Docket No. **27295.0009**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted correspondence forwarding address information for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

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

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 be directed to the above-listed address until otherwise properly notified by the applicant or a change of correspondence address containing a proper 3.73(b) statement has been submitted.

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

All other inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600.

/Monica A. Graves/
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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HOGAN LOVELLS US, LLP
1999 AVENUE OF THE STARS, SUITE 1400
LOS ANGELES, CA 90067

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Artem MÚCHKAEV :
Application No. 12/108,322 :
Filed: April 23, 2008 :
Attorney Docket No. **27295.0009** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

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

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

There is an outstanding Office action mailed June 8, 2011 that requires a reply from the applicant.

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

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

cc: **MARTEC CORPORATION**
2770 S. MARYLAND PARKWAY, SUITE 300
LAS VEGAS, NV 89101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOWE GRAHAM JONES, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Knutson et al. :
Application No. 12/108,414 :
Filed: April 23, 2008 :
Attorney Docket No. LESA-1-1003 :
For: SYSTEM AND METHOD FOR REMOTE SURVEILLANCE

ON PETITION

This is a decision on the petition captioned under 37 CFR 1.47, filed January 20, 2012, which is being treated under 378 CFR 1.183 to waive 1.67, which requires all inventors to execute a supplemental oath/declaration.

Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal or unavailability to sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

The constructive petition under 37 CFR 1.183 to waive 1.67 is **dismissed**.

Any further reconsideration 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. This is not final agency action within the meaning of 5 U.S.C. § 704.

Petitioner has paid a $200.00 petition fee. The current Rule 183 petition fee, per 37 CFR 1.17(f), is $400.00. Petitioner authorized the Office to charge additional fees under 37 CFR 1.21 only.

Until the full $400.00 fee associated with filing a petition to the Director under 37 CFR 1.183 is submitted, the merits of the petition will not be addressed.

Promptly submit the required $200.00 balance.

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

By mail:	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300 - ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
FEB 29 2012
OFFICE OF PETITIONS

LOWE GRAHAM JONES, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re Application of :
Knutson et al. :
Application No. 12/108,414 : ON PETITION
Filed: April 23, 2008 :
Attorney Docket No. LESA-1-1003 :
For: SYSTEM AND METHOD FOR REMOTE SURVEILLANCE

This is a decision on the renewed petition, filed February 17, 2012, under CFR 1.183, requesting waiver of 37 CFR 1.67, which requires all of the joint inventors to execute a supplemental declaration.

The renewed petition under 37 CFR 1.183 to waive 37 CFR 1.67 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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183 to waive 37 CFR 1.67" and must include an executed oath or declaration. Failure to respond will result in abandonment of the application.

It is noted that Rule 47 status with respect to joint inventor Robert Holliday's participation in the patent process was granted on January 30, 2009.

While this waiver petition for Mark Knutson's participation is not a petition under 37 CFR 1.47, it is evaluated in much the same way a Rule 47 petition is. Therefore, a grantable petition requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) a petition fee, and
(4) the last known address of the omitted inventor(s).

This petition does not meet requirements (1) and (2) above.

With respect to (1) above, petitioner has failed to prove the non-signing inventor, Mark Knutson, cannot be located to sign the declaration or has refused to sign the declaration.

The statement of facts of Patricia Walker, paralegal for Foster Pepper, Attorneys of Record for the Law Enforcement Support Agency of Tacoma, Washington, the assignee of record, does not contain sufficient detail/evidence to warrant the granting of the petition.

Documentary evidence that supports a finding that the non-signing inventor could not be found or reached should be made part of any affidavits or declarations that fully describe the exact facts which are relied on to establish that a diligent effort was made to locate the non-signing inventor. Ms. Walker asserts she conducted Internet searches for Mr. Knutson, but found nothing relevant. Please submit copies of the searches.

Ms. Walker asserts a letter requesting Mr. Knutson's signature on the new declaration was mailed to his last known address, but no reply was received as of January 20, 2012. Ms. Walker did not state that the paper(s) were returned. Mr. Knutson may not be unavailable/unreachable.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). It is unclear from Ms. Walker's statement whether or not the application papers were mailed to Mr. Knutson. Please provide a copy of the cover letter mailed to Mr. Knutson's last address on an unspecified date, but prior to January 20, 2012.

Mr. Knutson must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Knutson was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

Petitioner is informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient. Especially in this case, as it appears that Ms. Walker emailed Mr. Knutson at an out of date email address – KnutsonM@LESA.NET--, since Mr. Knutson's employment at Law Enforcement Support Agency of Tacoma, WA (LESA) was terminated in 2008.

Petitioner is encouraged to utilize USPS service when sending Mr. Knutson a copy of the application and another copy of the declaration for his execution.

The affidavit or declaration 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. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

If Inventor Knutson expressly refuses to sign the supplemental declaration, then a statement from the person to whom that refusal was made should be made of record. If his refusal is in writing, the correspondence should be made of record.

With respect to (2) above, a supplemental declaration must be filed. It must be executed. The supplemental declaration must be signed either by an inventor or by an authorized representative of the assignee (please comply with Rule 3.73(b)) or by an attorney of record on behalf of the assignee. However, further efforts to contact Mr. Knutson should be attempted before the assignee intervenes.

Pursuant to petitioner's authorization, deposit account no. 06-1629 is being charged the $200.00 balance due towards the $400.00 Rule 183 petition fee.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/108,454	04/23/2008	Juan Zak		1637

52397 7590 01/06/2012
JUAN ZAK
VESTRE KIRKEVEJ 2 C, 1. TV.
ROSKILDE, 4000
DENMARK

EXAMINER
FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
01/06/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUAN ZAK
VESTRE KIRKEVEJ 2C, 1.TV
ROSKILDE, 4000
DENMARK

JAN 6 2012

In re Application of
Juan Zak
Appl. No. 12/108,454
Filed: April 23, 2008
For: JUMPER WITH INTEGRATED SWITCH

DECISION ON PETITION

This is a decision on Applicant's Petition under 37 CFR 1.181, filed on November 9, 2011, to Invoke Supervisory Authority and to appoint a new examiner. The petition is before the Director of Technology Center 2800 for review.

The Petition is **DENIED.**

Petitioner requests an "Appointment of a new Examiner" and alleges "persistent irregularities in Examiner's actions" as the reason for this request. In support of this request, Applicant cites many instances where he disagrees with the examiner's interpretation of the claims, the references and the manner of making legal citations.

Reassignment of an application during prosecution occurs when the review of the application file record reveals that the examiner has abused his authority and discretion.

Contrary to applicant's assertions, neither the correction of a past alleged error, nor a disagreement between the examiner and the applicant about the merits of a reference are inherently a violation of the Manual for Patent Examining Procedure or USPTO practice. The alleged errors, whether supported or not, do not rise to the level of abuse of authority or discretion that would warrant the appointment of a new examiner. Upon review, the prosecution history of this application does show clear disagreements between the examiner and the applicant. Although somewhat more protracted in the present application, this give and take is part of the prosecution of a patent application. A review of the file shows that the examiner's actions do not amount to an abuse of discretion or authority.

Further, by pointing out alleged errors that pertain to the merits of the claims and rejections, petitioner is in fact requesting that the merits of the application be reviewed on petition. This is not appropriate because the rejection of a claim due to the finding of unpatentability is not

petitionable. A disagreement between the examiner and the applicant as to the patentability of a claim or the interpretation of the applied prior art is appealable and the appeal procedure dictates that such be appealed to the Board of Patent Appeals and Interferences, MPEP 1201. Accordingly, this decision will not address the issue of whether the claims define over the prior art of record.

The review of the prosecution does not reveal that the examiner has abused his discretion nor his authority and differences in opinion on the patentability of the claims should properly be resolved on appeal. Accordingly, the request to assign the application to a different examiner is denied.

Petitioner is reminded that the shortened statutory period of for reply that was set in the Final Office action CONTINUES TO RUN, AND EXPIRES THREE MONTHS from October 17, 2011, the mailing date of that action. Extensions of this period are governed by 37 CFR 1.136(a). This petition does not alter the time for reply to the final Office action. 37 CFR 1.181(f).

Any questions regarding this decision should be directed to Renee Luebke, Supervisory Patent Examiner, at 571-272-2009.

Diego F.F. Gutierrez

Diego Gutierrez, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12108490
Filing Date	28-Apr-2008
First Named Inventor	Gary Price
Art Unit	3782
Examiner Name	LESTER VANTERPOOL
Attorney Docket Number	GPRICE.0001P
Title	DEVICE TO AID IN CARRYING OBJECTS WITH NECK LANYARD AND BAG

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 000032856

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

10.40(b)(4)

10.40(c)(5)

Certifications

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

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

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

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

Name	Gary B. Price
Address	6025 Port of Dreams Drive
City	Las Vegas
State	NV
Postal Code	89130

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Arthur P. Tan/
Name	Arthur P. Tan
Registration Number	60683

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 12,2011

In re Application of :

Gary Price

Application No : 12108490

Filed : 28-Apr-2008

Attorney Docket No : GPRICE.0001P

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 12,2011

The request is **APPROVED.**

The request was signed by Arthur P. Tan (registration no. 60683) on behalf of all attorneys/agents associated with Customer Number 000032856 . All attorneys/agents associated with Cusotmer Number 000032856 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	Gary B. Price
Name2	
Address 1	6025 Port of Dreams Drive
Address 2	
City	Las Vegas
State	NV
Postal Code	89130
Country	US

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

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

Office of Petitions

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

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher L. MORRIS, et al	:	
Application No. 12/108,494	:	DECISION ON PETITION
Filed: April 23, 2008	:	TO WITHDRAW
Attorney Docket No. 23309-0004001	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

A review of the file record indicates that William E. Hunter does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

PATENT

First Named Inventor: Billy R. Anders JR.
Application No.: 12/108496
Filed: April 23, 2008
Customer No.: 69316

Attorney Docket No.: 323359.01-PPH
Group Art Unit: 2176
Examiner: HERNDON, HEATHER R
Confirmation Number: 1734

Title: Intelligent Autocompletion

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Statement on Request to Participate in the
PCT-Patent Prosecution Highway Pilot Program

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 28, 2010

By:/James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 28, 2010
Date

/Eric Matt/
Eric Matt

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.
12/108,496	04/23/2008	Billy R. Anders JR.	323359.01-PPH	1734

69316 7590 08/31/2010
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
08/31/2010	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):

DBOUTON@MICROSOFT.COM
vffiling@microsoft.com
stevensp@microsoft.com

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

Microsoft Corporation
One Microsoft way
Redmond, WA 98052

In re Application of: ANDERS B.
Application No. 12/108,496
Filed: April 23, 2008
For: Intelligent autocompletion.

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 28, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:
a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

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

(5) Applicant must submit a copy of:
a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:
a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(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);

(8) ~~The required petition fee under 37 CFR 1.17(h).~~

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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

DAVID J. O'KEEFE
286 RICHARD AVE
SAN FRANCISCO, CA 94110

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of	:	
David James O'Keefe	:	
Application No. 12/108,518	:	ON PETITION
Filed: April 24, 2008	:	
Attorney Docket No. 04040808	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 8, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under the unintentional provisions of 37 CFR 1.137(b) to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. *See* 37 CFR 1.27.

The petition in the above-identified application was <u>not</u> accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

However, if petitioner contests the abandonment of the above application and believes that no fee should be assessed, a petition under 37 CFR 1.181 to withdraw the holding of abandonment may be more appropriate. *See* MPEP 711.03(c)(I)(B) "Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed". Petitioner should note that filing a petition under 37 CFR 1.181 does not necessarily guarantee that it will be granted.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

DAVID J. O'KEEFE
286 RICHARD AVE
SAN FRANCISCO, CA 94110

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
David James O'Keefe	:	
Application No. 12/108,518	:	DECISION ON PETITION
Filed: April 24, 2008	:	
Attorney Docket No. 04040808	:	

This is a decision on the communication, filed February 22, 2011, which is being treated as a petition under 37 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 21, 2010, which set a shortened statutory period for reply of three (3) months. The application became abandoned on July 22, 2010, for failure to submit a timely reply to the Notice. On October 27, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner asserts that a response to the non-final Office action dated April 21, 2010, was timely filed via Express Mail on July 20, 2010 and therefore requests that the Office withdraw the holding of abandonment. Petitioner has submitted a copy of the previously mailed correspondence.

A review of the file record does not indicate that the above mentioned response was received by the Office.

Petitioner's attention is directed to 37 CFR 1.10 (e). 37 CFR 1.10 (e) states that any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

> **(1)** The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> **(2)** The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence **prior** to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

In view of the above, the copy of the response submitted with the petition as evidence to support the above assertion cannot be accepted as being timely filed since the Express Mail number was not indicated on the original response submitted to the office. Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted.

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: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries related to this decision may be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAILED
JUN 08 2011
OFFICE OF PETITIONS

DAVID J. O'KEEFE
286 RICHARD AVE
SAN FRANCISCO, CA 94110

In re Application of	:	
David James O'Keefe	:	
Application No. 12/108,518	:	DECISION ON PETITION
Filed: April 24, 2008	:	
Attorney Docket No. 04040808	:	

This is a decision on the communication, filed May 23, 2011, which is being treated as a renewed petition under 37 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 21, 2010, which set a shortened statutory period for reply of three (3) months. The application became abandoned on July 22, 2010, for failure to submit a timely reply to the Notice. On October 27, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner states that he disagrees with the decision mailed on April 6, 2011, dismissing petition submitted on February 22, 2011 and therefore still requests that the Office withdraw the holding of abandonment.

The file record still does not indicate that the original response was received.

Petitioner is again reminded of the requirements pursuant to 37 CFR 1.10 (e): Filing of correspondence by "Express Mail". 37 CFR 1.10 (e) states that any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

> **(1)** The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> **(2)** The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence **prior** to the original mailing by "Express Mail";
>
> **(3)** The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of

deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

The present petition continues to lack the required evidence to support the assertion that a response was timely filed in regards to the Office action dated April 21, 2010. Specifically, the first copy of the alleged original response submitted on November 8, 2010, did not provide an Express Mail Label Number on the response. The second copy of the alleged original response submitted with the renewed petition on February 22, 2011, provided a handwritten Express Mail Label Number on the response **after** the original mailing of the response via "Express Mail", which is not acceptable.

Accordingly, the petition requesting the reversal of the decision dismissing the request to withdrawal of the holding of abandonment cannot be granted.

Petitioner is cautioned that any further renewed petition lacking the required evidence mentioned above, may be construed as an intentional delay in reviving the above identified application. Any such intentional delay may preclude the granting of a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

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

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

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries related to this decision may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/108,588	04/24/2008	Steven M. Bloom	09857-206001	1914

26161 7590 08/30/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
CAMPBELL, KELLIE L

ART UNIT	PAPER NUMBER
3691	

NOTIFICATION DATE	DELIVERY MODE
08/30/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 2 9 2011

Fish & Richardson, PC
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of Steven M. Bloom Application No. 12/108,588 Filed: April 24, 2008 For: SECURITIZED COMMODITY PARTICIPATION CERTIFICES SECURITIZED BY PHYSICALLY SETTLED OPTION CONTRACTS	: DECISION ON THE PETITION : REGARDING REQUEST TO : WITHDRAW REQUIREMENT : FOR RESTRICTION

Applicant's petition filed under 37 CFR 1.144, filed August 18, 2011, requests the supervisor to withdraw the restriction requirement made final in the Office action of April 18, 2011.

The petition is **DISMISSED**.

A review of the file record indicates that the examiner in this case issued a Requirement for Restriction between 5 claimed inventions on October 5, 2010. The applicant responded with an election of invention IV, claims 28-31 and 44-46 with traverse on November 5, 2010. The examiner made the election final in a non-final Office action dated April 18, 2011. The applicant responded with an amendment and the instant petition on August 18, 2011.

Applicant's petition argues that the required restriction between inventions I, III, IV and V (restricting out invention II was not traversed), was improper. Applicant argues that the examiner has not shown that the above-noted inventions have separate utilities other than in the disclosed combinations, and that each of the inventions has but one fundamental utility, i.e. use in managing of tradable shares based upon a claimed "creation unit". Applicant further argues that in order for a requirement for restriction to be proper the examiner must show that the inventions are independent **and** distinct, rather than independent **or** distinct, as the examiner has indicated. Finally, the applicant argues that the examiner has failed to show that there is an examination burden on the examiner should restriction not be required.

Initially, regarding the argument that the examiner is required to show that that inventions are both independent **and** distinct in order to properly require restriction, this is simply not true. MPEP 803 and 806 provide for the basis for the holding that for inventions that are related as disclosed (i.e. not independent), but are distinct as claimed, restriction may be proper.

Regarding the argument that the examiner has failed to show that the restricted inventions are properly distinct by failing to show that they have separate utility, to show that inventions are distinct the examiner need only show that the inventions, as claimed, are not connected in at least one of operation, design, or effect (e.g. can be made by, or used in, a materially different process). MPEP 802.01.

In this case, invention I claims a method for determining a value of a tradable derivative; invention III claims a method of recording a) acceptance of delivery of an options contract, and b) a plurality of option certificates; invention IV claims a method of determining a cash value to give holders of an options certificate; and invention V claims a computer program that comprises instructions to track the movement of a derivative contract.

In the examiner's requirement for restriction dated October 5, 2010, the examiner on pages 3-5 outlines how each of the inventions as claimed may be utilized in a manner that does not require the specifics of the other inventions as claimed, and thereby providing an acceptable showing of each of the inventions being distinct from each other. Applicant's argument that the only utility that each of the inventions use in managing tradable shares are based on the claimed creation unit, is not agreed with. As the examiner has pointed out, each of the invention groups, while dealing with the claimed "creation unit", are of such different scopes that the claimed limitations in each of the invention groups are directed to distinct facets of the disclosed managing of the tradable shares.

Finally, regarding the argument that the examiner has failed to show that there would be burden should the examiner be required to examine inventions I and III –V simultaneously, the examiner has identified that at least some of the above-noted inventions have different classifications. Additionally, given that applicant's inventions include methods for a) determining a share value, b) recording transactions, c) determining a cash value of a Certificate and d) a computer program instructions, it is clear that they have divergent subject matter, would each require a different search, and likely raise different non-prior art issues. As such, the showing of burden is seen as being met.

The petition of August 18, 2011 is **DISMISSED**.

This application is being returned to the examiner to consider the amendment filed August 18, 2011.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

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

snm/snm: 8/25/11

SM

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www.uspto.gov

MANUEL F. DE LA CERRA
6885 CATAMARAN DRIVE
CARLSBAD CA 92011

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Messinger et al.	:	UNDER 37 CFR 1.78(a)(3)
Application No. 12/108,640	:	
Filed: April 24, 2008	:	
Attorney Docket No. AVA-009	:	
	:	

This is a decision on the PETITION TO CLAIM PRIORITY UNDER 37 C.F.R. § 1.78(A)(3) filed December 12, 2011, to accept an unintentionally delayed claim to prior-filed application number 11/210,411.

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), and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) must be accompanied by:

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

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for

priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. Rather, applicant stated that this application was related to application No. 11/210,411. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) expired without a claim being made. Thus, the instant petition is appropriate. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

On petition, a reference to the prior-filed nonprovisional application has been included in an application data sheet, as required by 37 CFR 1.78(a)(2)(iii).

With respect to 35 U.S.C. 120 and 37 CFR 1.78(a)(3), the application data sheet includes a reference to prior-filed application No. 11/7210, 411, with the relationship stated as continuation-in-part. The application data sheet is executed. (It is noted that the application data sheet should be entitled "supplemental application data sheet" as it was filed after the application filing date).

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 3753 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §120 of the prior-filed applications as set forth in the application data sheet filed December 12, 2011.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/108,640	04/24/2008	2472	527	AVA-009	20	2

CONFIRMATION NO. 2004

CORRECTED FILING RECEIPT

62912
MANUEL F. DE LA CERRA
6885 CATAMARAN DRIVE
CARLSBAD, CA 92011

OC000000051766715

Date Mailed: 01/03/2012

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

Applicant(s)

Gioia Messinger, Encinitas, CA;
Bar-Giora Goldberg, San Diego, CA;
Andy Cheng-Hsin Aoe, Los Angeles, CA;

Power of Attorney: The patent practitioners associated with Customer Number 62912

Domestic Priority data as claimed by applicant

This application is a CIP of 11/210,411 08/24/2005 PAT 7420149

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

If Required, Foreign Filing License Granted: 05/20/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/108,640**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

COMMUNICATION PROTOCOL FOR LOW-POWER NETWORK APPLICATIONS AND A NETWORK OF SENSORS USING THE SAME

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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HUGH D. JAEGER, ESQ.
HUGH D. JAEGER, P.A.
P.O. BOX 432
WAYZATA MN 55391-0432

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Poley et al.	:	
Application No. 12/108,712	:	ON PETITION
Filed: April 24, 2008	:	
Attorney Docket No. LINDSTROM	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3738 for action on the merits commensurate with this decision.

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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Patent No. : **7806475**
Ser. No. : **12/108714**
Inventor(s) : **COADY, RYAN THOMAS**
Issued : **10/05/2010**
Title : **COMPACT BOOSTER SEAT**
Docket No. : **COAD001**

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.

In regards to the alleged error(s) on the Cover Page, Item 76, the inventor's address is printed in accordance with the Oath of Declaration.

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

The Certification of Correction will be issued with a Request for Reconsideration accompanied by the $100 fee.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

PASSE' INTELLECTUAL PROPERTY, LLC
1717 BRASSFIELD RD.
RALEIGH NC 27614

OL

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of

Roderick B. Brown
Application No. 12/108,876
Filed: April 24, 2008
Attorney Docket No. **20080164.ORI**

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 July 1, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FUJITSU PATENT CENTER
FUJITSU MANAGEMENT SERVICES OF AMERICA, INC
2318 MILL ROAD, SUITE 1010
ALEXANDRIA, VA 22314

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Masatoshi Ishii, et al.	:	
Application No. 12/108,886	:	DECISION GRANTING PETITION
Filed: April 24, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07-41126	:	

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

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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

Doc code : PET.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	12/109,008	Confirmation Number	2632	Filing Date	2008-04-24
Attorney Docket Number (optional)	1419-77671-US	Art Unit	1717	Examiner	Charles Capozzi
First Named Inventor	Arthur A. Sagy				
Title of Invention	Method and Apparatus to Facilitate Determining Proper Placement of a Liquid				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Arthur	A.	Sagy	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Steven G. Parmelee/	Date (YYYY-MM-DD)	2012-02-21
Name	Steven G. Parmelee	Registration Number	28790

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Arthur A. Sagy

Application No. 12109008

Filed: April 24,2008

Attorney Docket No. 1410-77671-US

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-FEB-2012 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.

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,921,975 B2
APPLICATION NO.	:	12/109,070
ISSUE DATE	:	April 12, 2011
INVENTOR(S)	:	Atsushi OGASAWARA 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:

ON THE TITLE PAGE:

At item (75), Inventors, change the name of the second-named inventor from "**Yoshinki Tsukada**, Saitama (JP)" to --**Yoshiaki Tsukada**, Saitama (JP)--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
James M. Slattery
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110722A

DATE : July 22, 2011

TO SPE OF : ART UNIT 3655

SUBJECT : Request for Certificate of Correction on Patent No.: 7,921,975

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:

/DAVID D LE/
Supervisory Patent Examiner.Art Unit 3655
07/22/2011

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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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

MAILED
AUG 03 2010
OFFICE OF PETITIONS

In re Application of
William John Gallagher, et al.
Application No. 12/109,078
Filed: April 24, 2008
Attorney Docket No. ORACL-01859US1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2010, to revive the above-identified application.

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. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner 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 until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 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 $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 the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2473 appropriate action by the Examiner in the normal course of business on the reply received June 25, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
G. Maxwell	:	
Application No. 12/109,116	:	DECISION ON PETITION
Filed: April 24, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 000647	:	

This is a decision on the petition, filed October 12, 2010 under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 14, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

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

This application is being referred to Technology Center AU 3774 for further processing.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/109,116	04/24/2008	G . Maxwell	000647

CONFIRMATION NO. 2825

23456
WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

NONPUBLICATION RESCISSION LETTER

OC000000044362881

Date Mailed: 11/08/2010

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

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

The projected publication date is 02/10/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 20,2011

In re Application of :

Robert McMillen

Application No : 12109168

Filed : 24-Apr-2008

Attorney Docket No : 41575-630

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 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.

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

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

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

Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12109168
Filing Date	24-Apr-2008
First Named Inventor	Robert McMillen
Art Unit	3636
Examiner Name	ERIKA GARRETT
Attorney Docket Number	41575-630
Title	LUMBAR AND BOLSTER SUPPORT FOR SECOND ROW SEAT

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

- ( ) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- (●) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/martin l. stern/
Name	Martin L. Stern
Registration Number	28911

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/109,171	LU ET AL.	
	Examiner	Art Unit	
	FRANK LU	1634	

ISSUE CLASSIFICATION

ORIGINAL						CROSS REFERENCE(S)						
CLASS				SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
536				23.1	536	23.2	24.3	24.33	25.3			
INTERNATIONAL CLASSIFICATION					435	6	91.1					
C	0	7	H	21/02								
C	0	7	H	21/04								
C	0	7	H	21/00								
C	1	2	Q	1/68								
C	1	2	P	19/34								

(Assistant Examiner) (Date)	/Frank W Lu/ 6/20/2011	Total Claims Allowed: 20
(Legal Instruments Examiner) (Date)	(Primary Examiner) (Date)	O.G. Print Claim(s): 1 / O.G. Print Fig.: 3

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		31		61		91		121		151		181
2	2		32		62		92		122		152		182
3	3		33		63		93		123		153		183
4	4		34		64		94		124		154		184
	5		35		65		95		125		155		185
5	6		36		66		96		126		156		186
6	7		37		67		97		127		157		187
7	8		38		68		98		128		158		188
8	9		39		69		99		129		159		189
9	10		40		70		100		130		160		190
	11		41		71		101		131		161		191
	12		42		72		102		132		162		192
	13		43		73		103		133		163		193
	14		44		74		104		134		164		194
	15		45		75		105		135		165		195
	16		46		76		106		136		166		196
	17		47		77		107		137		167		197
	18		48		78		108		138		168		198
	19		49	1	79		109		139		169		199
	20		50	10	80		110		140		170		200
	21		51	11	81		111		141		171		201
	22		52	12	82		112		142		172		202
	23		53	13	83		113		143		173		203
	24		54	14	84		114		144		174		204
	25		55	15	85		115		145		175		205
	26		56	16	86		116		146		176		206
	27		57	17	87		117		147		177		207
	28		58	18	88		118		148		178		208
	29		59	19	89		119		149		179		209
	30		60	20	90		120		150		180		210

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.
12/109,196	04/24/2008	Izumi MIYAKE	0879-1028PUS1	2964

2292 7590 06/09/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
06/09/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: Izumi MIYAKE.
Application No. 12/109,196
Filed: April 24, 2008
For: PICTURE PROCESSING APPARATUS, PICTURE RECORDING APPARATUS, METHOD AND PROGRAM THEREOF

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 27, 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 is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(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 identification of 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 applicant should indicate no office action from the JPO is necessary 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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of :
PIGEON, JEFFREY :
Application No. 12/109,217 : DECISION ON PETITION
Filed: 04/24/2008 :
Attorney Docket No. AAFP-P01 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 9, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

This application was held abandoned for failure to respond in a timely manner to the final Office action, mailed on January 26, 2011, which set a three-month shortened statutory period for reply. Extensions of this period were available under 37 CFR 1.136(a). On August 31, 2011, the Office mailed a Notice of Abandonment.

Petitioners assert that they filed a timely and proper reply to the final Office action in the form of payment of the Request for Continued Examination fee, a submission in the form of an amendment, and a request for an extension of time for response within the third month (and fee) on July 26, 2011.

After further review of the application history, there is an indication in the record of the filing of an RCE on July 26, 2011, as evidence by the Fee Transmittal.[1] In view of the fact that petitioners filed an RCE, a submission, the RCE fee, and a three-month extension of time on July 26, 2011, the Office has determined that petitioner submitted a timely and proper reply to the final Office action. Accordingly, the petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn and the application is restored to pending status.

The $930.00 petition fee is unnecessary and will be refunded in due course.

This application is being forwarded to Technology Center Art Unit 3752 for further action on the reply filed July 26, 2011.

[1] Pursuant to 37 CFR 1.114 (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) . . ."

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Eugenia Jones, Senior Legal Advisor, Office of Patent Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application :
Martin, et al. :
Application No. 12/109,260 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: April 24, 2008 :
Dkt. No.: 10567.0001-02000 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed June 3, 2011.

The petition to correct the patent term adjustment indicated in the Determination of Patent Term Adjustment mailed March 7, 2011 to indicate that, as of the mailing of the Notice of Allowance, the patent term adjustment is 230 days is **GRANTED**.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 230 days, as argued

The $200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

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

Applicant may access the adjusted PAIR calculation of adjustment via the Patent Application Information Retrieval.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/6/12

TO SPE OF : ART UNIT: 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/109,260 Patent No. 7,981,889

CofC mailroom date 12/27/11

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/6/12

TO SPE OF : ART UNIT: 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/109,260 Patent No. 7,981,889

CofC mailroom date 12/27/11

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

1624
Art Unit

UNITED STATES 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 B. COURTNEY ATTORNEY AT LAW
P.O. BOX 9847
SAN JOSE CA 95157

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of	:	
PANTHAKI, et al	:	
Application No. 12/109,318	:	DECISION ON PETITION
Filed: April 24, 2008	:	
Docket No. CSHE.P026	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 27, 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 28, 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) 3.

With respect to item (3) The statement of unintentional delay is not acceptable because it does not contain the required signature and execution date. In this regard, the petition dated March 4, 2011, is considered not to be in compliance with 37 CFR 1.137(b).

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARBARA B. COURTNEY ATTORNEY AT LAW
P.O. BOX 9847
SAN JOSE CA 95157

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of	:	
PANTHAKI, et al	:	
Application No. 12/109,318	:	DECISION ON PETITION
Filed: April 24 2008	:	
Docket No. CSHE.P026	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 27, 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 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 $1620; and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Technology Center AU 3627 for appropriate action by the Examiner in the normal course of business.

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

cc: BARBARA B. COURTNEY
718 UNIVERSITY AVENUE,
SUITE 216
LOS GATOS, CA 95032

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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SHAY GLENN, LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
David J. Danitz, et al.	:	
Application No. 12/109,333	:	DECISION ON PETITION
Filed: April 24, 2008	:	TO WITHDRAW
Attorney Docket No. 10112-701.302	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 13, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Shay Glenn, LLP has been revoked by the assignee of the patent application on September 3, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND OH 44114

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of	:	
LEVERGOOD, Thomas M. et al.	:	
Application No. 12/109,443	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO WITHDRAW
Attorney Docket No. **432383-600043**	:	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 19, 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 B. Cochran on behalf of all attorneys of record who are associated with customer No. 24325. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no 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: **SOVERAIN SOFTWARE LLC**
233 S. WACKER DRIVE
SUITE 9425
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MEDTRONIC, INC. (SPINAL)
710 MEDTRONIC PARKWAY
ATTN: LEGAL PATENTS MS: LC340
MINNEAPOLIS, MN 55432-5604

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Robin L. Turner, et al. :
Application No. 12/109,517 : ON PETITION
Filed: April 25, 2008 :
Attorney Docket No.: P0030950.00 :

This is a decision on the petition, filed January 5, 2012, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34(a), the signature of Patrick A. Doody appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Doody desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fee and publication fee on or before November 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 5, 2011. A Notice of Abandonment was subsequently mailed on November 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay[1].

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Xin Wen
2800 Bridge Parkway
Redwood City CA 94065

MAILED

FEB 15 2012

OFFICE OF PETITIONS

In re Application of :
KENNETH RAY NIBLETT :
Application No. 12/109,523 : ON PETITION
Filed: April 25, 2008 :
Attorney Docket No. SF078 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2012, to revive the 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)." No additional petition fee is necessary.

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 24, 2011, which set a three-month shortened statutory period for response. Petitioner did not obtain any extensions of the time period for response. Accordingly, the application became abandoned on September 25, 2011. The Office mailed a Notice of Abandonment on January 5, 2012. On January 24, 2012, petitioner filed the present petition.

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

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

(2) The petition fee as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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 set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The present petition does not satisfy requirement (1) above.

With the present petition, petitioners submitted arguments in response to the final Office action. However, the examiner determined that the reply did not place the application in condition for allowance. The Office reminds petitioner that in a nonprovisional application abandoned for failure to reply to a final action, the 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).

With any renewed petition, petitioner must submit a proper reply to the outstanding final Office action.

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

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

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

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

Correspondence may also be submitted via the electronic filing system of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Xin Wen
2800 Bridge Parkway
Redwood City CA 94065

MAILED
MAR 07 2012
OFFICE OF PETITIONS

In re Application of	:	
KENNETH RAY NIBLETT	:	
Application No. 12/109,523	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. SF078	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 1, 2012, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 24, 2011, which set a three-month shortened statutory period for response. Petitioner did not obtain any extensions of the time period for response. Accordingly, the application became abandoned on September 25, 2011. The Office mailed a Notice of Abandonment on January 5, 2012.

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

This application is being referred to Technology Center AU 2625 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) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAY 13 2011
OFFICE OF PETITIONS

AVON PRODUCTS, INC.
AVON PLACE
SUFFERN, NY 10901

In re Application of
William M. Lenzetti, et al.
Application No. 12/109,557
Filed: April 25, 2008
Attorney Docket No.: PC29U-US

ON PETITION

This is a decision in response to the petition, filed April 4, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 19, 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 November 20, 2010. A Notice of Abandonment was mailed on March 17, 2011. On April 4, 2011, the present petition was filed.

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

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $1,110 extension fee included with this petition is being refunded to counsel's deposit account.

The application is being referred to Technology Center AU 1619 for appropriate action by the Examiner in the normal course of business on the amendment received April 4, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Oliff & Berridge, PLC
Suite 2350 Charlotte Plaza
201 South College Street
CHARLOTTE NC 28244

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,883,596	:	
Issue Date: February 8, 2011	:	
Application No. 12/109,570	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 3234/1US-B	:	

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

The request is **DISMISSED**.

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

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

The request under 37 CFR 3.81(b) was not accompanied by the required fee of $130, and a statement as required as set forth in § 3.11. Petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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

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

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

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

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Oliff & Berridge, PLC
Suite 2350 Charlotte Plaza
201 South College Street
CHARLOTTE NC 28244

MAILED
SEP 08 2011
OFFICE OF PETITIONS

In re Patent No. 7,883,596	:	
Issue Date: February 8, 2011	:	
Application No. 12/109,570	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 3234/1US-B	:	

This is a decision on the renewed petition filed August 8, 2011, which will be treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

A petition under 37 CFR 3.81(b) requires a fee of $130. As authorized this fee will be charged to petitioner's deposit account. The request for a certificate of correction requires a fee of $100, this fee has been previously paid.

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

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12109620
Filing Date	25-Apr-2008
First Named Inventor	Ian Carmichael
Art Unit	3617
Examiner Name	STEPHEN AVILA
Attorney Docket Number	06670801
Title	AUTOMATED BOAT WASHING SYSTEM

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(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	/John Smith/
Name	John C. Smith
Registration Number	33284

UNITED STATES 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 11,2011

In re Application of :

Ian Carmichael

Application No : 12109620

Filed : 25-Apr-2008

Attorney Docket No : 06670801

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 11,2011, 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

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FOLEY & LARDNER LLP
P.O. Box 80278
San Diego, CA 92138-0278

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
David Hope, et al.	:	
Application No. 12/109,665	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO WITHDRAW
Attorney Docket No. 095022-0103	:	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 23, 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 Steven A. Moore on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed July 26, 2010 that requires a reply from the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Lifesurfer, LLC**
31582 West Street
Laguna Beach, CA 92651

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
12/109,665	04/25/2008	David Hope	095022-0103

CONFIRMATION NO. 3946

POWER OF ATTORNEY NOTICE

30542
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

OC000000043267086

Date Mailed: 08/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2010.

- 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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AT & T LEGAL DEPARTMENT - WT
PATENT DOCKETING
ROOM 2A-207 ONE AT& T WAY
BEDMINSTER NJ 07921

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Sommers, et al.	:	
Application No. 12/109,743	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. ATT/2007-0286	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 17, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed December 4, 2009. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on March 5, 2010. The Office mailed a Notice of Abandonment on July 8, 2010.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2454 for consideration of the Amendment, filed February 18, 2011 .

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

xPaper No.: _____

DATE : 3/25/11

TO SPE OF : ART UNIT 2156

SUBJECT : Request for Certificate of Correction for Appl. No.: 12109745 Patent No.: 7899823

CofC mailroom date: 03/17/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Pierre Vital

2156

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-12

POLSINELLI SHUGHART PC
700 W. 47TH ST.
SUITE 1000
KANSAS CITY MO 64112

MAILED
JAN 10 2012
OFFICE OF PETITIONS

In re Application of Mauseth et al. Application Number: 12/109,772 Filing Date: 04/25/2008 Attorney Docket Number: 534-002-USP	: : : : : :	ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on January 3, 2012, to revive the above-identified application. This is also a decision on the concurrently-filed petition under 37 CFR 1.182 to expedite consideration of the petition under 37 CFR 1.137(b).

The petitions are **GRANTED**.

The application became abandoned on November 24, 2011 for failure to timely submit a proper reply to the final Office action mailed on June 24, 2011, which set a three (3) month shortened statutory period for reply. On November 23, 2011, an amendment after final rejection and a two (2) month extension of time were filed. On December 28, 2011, however, an Advisory Action Before the Filing of an Appeal Brief was mailed, stating that the reply filed on November 23, 2011, fails to place this application in condition for allowance. The filing of the subject petition precedes the mailing of Notice of Abandonment.

Receipt of the Request for Continued Examination filed on January 3, 2012 is acknowledged. As indicated in the RCE, the reply filed on November 23, 2011 will be considered as the submission required under 37 CFR 1.114.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and

circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that 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.

Receipt of the revocation and new power of attorney and statement under 37 CFR 3.73(b) filed on January 4, 2012 is acknowledged. The assignee name on the statement under 37 CFR 3.73(b) and the revocation and new power of attorney, Interactive Security Group, LLC, however, is different than the assignee name listed in the assignment as recorded in the USPTO: Ripcord, LLC. As such, it is not clear that the statement under 37 CFR 3.73(b) was executed on behalf of the assignee of record, and the revocation and power of attorney cannot be accepted. Petitioners must verify the name of the assignee of record, and submit a new power of attorney and statement under 37 CFR 3.73(b) which correctly identifies the assignee of record.

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 referred to Technology Center Art Unit 3627 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

cf: HOLZERIPLAW, PC
5994 S. HOLLY ST #300
GREENWOOD VILLAGE CO 80111

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MEHLIN DEAN MATTHEWS
P.O. BOX 3340
ALBANY OR 97321

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Mehlin Dean Matthews	:	
Application No. 12/109,792	:	DECISION ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. PLRS-006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 12, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 13, 2011. A Notice of Abandonment was mailed on August 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of	:	
FROMM	:	
Application No. 12/109,945	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO WITHDRAW
Attorney Docket No. 25F02-011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 29, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Joseph W. Stanley does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

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

cc: TIFFANY FROMM
104 GOLD LEAF COURT
CANTON GA 30114-9719

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/20/12

TO SPE OF : ART-UNIT 3651

SUBJECT : Request for Certificate of Correction for Appl. No.: 12109952 Patent No.: 7648044

CofC mailroom date: 03/12/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Should the changes to claim 1 be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved** — **All** changes apply:

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

☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

Gene Crawford — 3651.

SPE — **Art Unit**

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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.
12/109,959	04/25/2008	Jun Niijima	3939-0148PUS2	4527

2292 7590 10/12/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
10/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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OCT 12 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:	
Niijima et al.	PETITION DECISION
Serial No.: 12/109,959	
Filed: April 25, 2008	
Attorney Docket No.: **3939-0148PUS2**	

This is in response to the petition under 37 CFR § 1.59(b), filed June 7, 2010, to expunge information from the above identified application. This application has not yet been examined..

Petitioner requests that documents which were improperly submitted be expunged from the record. Specifically, petitioner request an IDS transmittal letter and PTO/SB/08 forms which were dated June 2, 2010 with the incorrect heading and for a different application be expunged. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for the documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Jun Nijima, et al.	:	
Application No.: 12/109,959	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No.: 3939-0148PUS2	:	

This is a decision on the petition, filed June 9, 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 16, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1625 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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FELDMAN GALE, P.A.
1700 MARKET STREET
SUITE 3130
PHILADELPHIA PA 19103

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Easterly et al.	:	
Application No. 12/109,960	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 1177.LAST458CIP	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 10, 2010, to change the name of inventor "Cliff Mason" to -- Clifford Mason --.

The petition is **DISMISSED.**

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with item (2) above, which requires the inventor to submit a statement as set forth under MPEP section 605.04(c).

In view of the above, the petition to change the inventor's name under 37 CFR 1.182 cannot be granted at this time.

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**.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272- 7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1700 MARKET STREET
SUITE 3130
PHILADELPHIA PA 19103

MAILED
FEB 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Easterly et al.	:	
Application No. 12/109,960	:	ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 1177.LAST458CIP	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.182, filed January 21, 2011, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from "Cliff Mason" to -- Clifford Mason --.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/109,960	04/25/2008	3693	500	1177.LAST458CIP	9	2

CONFIRMATION NO. 4528

CORRECTED FILING RECEIPT

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

OC000000046088562

Date Mailed: 02/18/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Frank Easterly, Midiothian, VA;
Clifford Mason, Columbus, GA;

Assignment For Published Patent Application

LAST MILE TECHNOLOGIES, LLC, Midlothian, VA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/913,964 04/25/2007
and claims benefit of 60/915,139 05/01/2007
and is a CIP of 11/464,694 08/15/2006 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/07/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/109,960**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

METHOD FOR FACILITATING FINANCIAL AND NON FINANCIAL TRANSACTIONS BETWEEN CUSTOMERS, RETAILERS AND SUPPLIERS

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/109,983	04/25/2008	Samir P. Tabash	31138/43029B	4577

4743 7590 06/27/2011
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

EXAMINER
CRUZ, KATHRIEN ANN

ART UNIT	PAPER NUMBER
1628	

NOTIFICATION DATE	DELIVERY MODE
06/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdocket@marshallip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

JUN 2 7 2011

MARSHALL, GERSEIN & BORUN LLP
233 S. Wacker Drive
Suite 6300 Willis Tower
Chicago, Illinois 60606-6357

In re Application of
Tabash et al.
Serial No.: 12/109,983
Filed: April 25, 2008
Attorney Docket No.: 31138/43029B

Decision on Petition

This letter is in response to the Petition of February 4, 2011 under 37 CFR 1.144 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

On April 25, 2008, the present application was filed, claiming priority to U.S. provisional application 60/913853.

The present application was filed with 64 claims, with 20 claims pending after the submission of the March 5, 2009 preliminary amendment.

On October 1, 2009, the Examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of elective Groups I or II, and an election of species to each of a particular lipoidic agent and a particular waxy controlled release carrier agent.

It is noted that, while the Requirement used the form paragraph indicating that Groups I and II were related as process of making and process made; the Groups are actually related as product and process of using the product (as noted by the Applicant in both the Election of April 1, 2010, and in the Petition). Such groups may be shown to be distinct where at least one of the following conditions applies: (1) the process for using the product as claimed can be practiced with a materially different product, or (2) the product as claimed can be used in a materially different process of using that product. See, MPEP 806.05(h). In the Requirement, the Examiner indicated that the claimed product could be used in a

process different from that which was claimed. Page 2. The Examiner also concluded on pages 2-3 that the restriction was proper because there would have been a serious search burden in the examination of each of the claimed inventions.

With respect to the election of species, the Requirement indicated that the species election was made on the basis that the various species recite mutually exclusive characteristics (page 4), and there was a search burden in the examination of each of the different species as they require different fields of search and/or the prior art applicable to one species would not likely be applicable to another, and that the species are likely to raise different non-prior art issues. Page 5. The examiner therefore concluded that the species election was also proper.

In the Election, the response to the Requirement submitted on April 1, 2010, the Applicant made the required provisional elections, and argued, as they do now, that the Requirement should be withdrawn on several grounds.

In the First action on the merits, mailed on 8/4/2010, the Examiner noted the Applicant's election of Group I. The examiner responded to the arguments in traversal by stating that the serious burden with respect to the inventive Groups is met because the claimed composition can be administered in a different method from that claimed by the Applicant, and on the basis that the method of administering would require a different scope of search from the formulation. The Examiner made the restriction requirement Final.

It is noted that the First action remained silent both with respect to the election of species made by the Applicant, and the arguments made in traversal of the species election requirement.

On February 4, 2011, the Applicant submitted a response to the First action, and the present Petition requesting relief from the Requirement. In specific, the Applicant requests that the restriction between Groups I and II be vacated on the basis that the PTO has not made a prima facie case of either distinctness or of serious burden; and requests that the species election also be vacated on similar grounds.

DISCUSSION

The application, file history, and petition filed on February 4, 2011 to request review of the restriction requirement has been considered.

1) The requirement for restriction between inventive Groups I and II.

With respect to the inventive groups, the Applicant argues that the PTO has not made a prima facie case of either distinctness or serious burden as would be required to make a proper restriction requirement. Petition, page 3.

Distinct Inventions

In the petition, the Applicant first asserts that the reasons for finding distinctness were not clear, and therefor deficient. Page 4. The Applicant notes that the Requirement identified the inventions as being drawn to a product and process of making such, whereas the claims are in fact drawn to a product and process of using such. The Applicant argues that no reason was provided for finding distinctness between the groups of inventions actually presented.

This argument is not found persuasive. While it is agreed that the examiner did not identify the proper relationship among the inventions, it is noted that for the proper relationship of the inventions as identified by the Applicant, the identification of an alternative method in which the composition could be used is evidence that the product and process of using is distinct. See, MPEP 806.05(h) (indicating that "inventions can be shown to be distinct if either of both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product."). As such, the examiner did provide prima facie evidence that the claimed product and process of using are distinct.

Serious Burden

The Applicant next asserts that the examiner has not provided adequate evidence that there would be a serious burden in the examination of each of the claimed inventions. Page 4. The Applicant asserts that the examiner indicated that "one or more reasons" apply rather than specifying which reasons apply.

The argument is not found persuasive. While it is acknowledged that the examiner used the generalized form paragraph in the Requirement, the examiner also indicated in the First action (page 2) that "the method of administering would require a different scope of search than that of the formulation." This is an equivalent statement to one of the possibilities identified in the updated form paragraph 8.21 found in the memorandum referenced by the Applicant on page 6 of the Petition. This form paragraph indicates that burden may be established with an indication that "the inventions require a different field of search (e.g., searching different classes /subclasses or electronic resources, or *employing different search strategies or search* queries) (*emphasis added*). In the present case, search of the claimed methods would require additional search not required for the product claims. For example, the method search would require additional searches for the target patient populations such as those suffering from hyperparathyroidism as is required in claim 63, or specifically to patients with elevated PTH levels (claim 64).

It is noted that evidence of the additional search burden can be found in the fact that the art cited and applied against the product claims relate to treatment of other diseases or disorders, such as cancers/malignant disorders. See e.g., First action, pages 3-4. Thus, in asserting that there would be a different scope of searching required for the product and method claims, the examiner correctly identified search burden in the examination of each of the claimed inventions.

In view of the above, the Applicant's arguments to vacate the restriction requirement at this time are not found persuasive.

However, it is noted that, MPEP 821.04(b) provides, in part, as follows:

> Where claims directed to a product and to a process of making and/or using the product are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or a process. See MPEP § 806.05(f) and § 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 821 through § 821.03. However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn.

Thus, if the product claims are found to be allowable, and the process claims contain all of the limitations of the allowed product claims, the process claims will be considered for rejoinder at an appropriate time as indicated by the MPEP.

2) The requirement for election of species.

As with the inventive groups, the Applicant also argues that the species election was not supported by a prima facie case of either distinctness or serious burden as would be required to make a proper restriction requirement. Petition, pages 6 and 7.The Applicant asserts that the examiner did not use the appropriate test to demonstrate the distinctness of the species, and that they provided inadequate arguments to establish that there would be a serious burden in examination of each of the species.

Distinct Species

The Applicant asserts that the proper test for determining distinctness of the species is found in MPEP 806.05(j), and requires that three conditions are met. These conditions are as follows:

(A) the inventions as claimed do not overlap in scope, i.e. are mutually exclusive;

(B) the inventions as claimed are not obvious variants; and

(C) the inventions as claimed are either not capable of use together or can have a materially different design mode of operation, function or effect.

This is test is not the sole test to determine that a species requirement is appropriate. For example, MPEP 806.05(j) indicates that this is only one of the tests. An alternative test provided by this section of the MPEP relates to subcombination that are usable together, which indicates that inventions in this relationship are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

The Applicant admits that the first two conditions are met. Petition, page 7. The specification of the application, which identifies both a number of waxy controlled release carrier agents (page 16, paragraph [0065]) and lipoidic agents (page 17-18, paragraph [0070]), indicates that the various species of such agents may be used separately or in mixtures. Thus, while the examiner may not have indicated which test was being applied, and indicated that each condition of the test was met, when the appropriate test was applied, the missing element was indicated to be met by the specification of the application

under consideration. In view of the above, the assertion that a prima facie case for distinctness of the species has not been met is not found persuasive.

Finally, it is noted that the Requirement notes that "Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case." Page 5. Applicant has not fulfilled either condition. Thus, in addition to finding that the prima facie case has been established, Applicant has also presented no evidence to find that the prima facie case has been overcome.

Serious Burden

The Applicant asserts that the examiner's statement of serious burden is insufficient. This is asserted on the basis that the examiner used a form paragraph that indicates that there is burden for "one or more of" the reasons presented. Petition, page 7. The Applicant further asserts that the examiner has not provided appropriate explanation of the burden faced with examination of each of the species.

These arguments are not found persuasive.

First, with respect to the use of the form paragraph, while it does indicate that one or more of the reasons applies, it is noted that at least the first two reasons presented would clearly apply. These two reasons are summarized as follows: 1) that the species would require different fields of search (e.g. using different search queries), and 2) that the prior art applicable to one species would not likely be applicable to another species. In the present case, as indicated above, the application lists a number of different species for each of the two groups of species from which election was required. A search for any one of the species would not necessarily be coextensive with, or provide art relevant to, each of the additional species.

With respect to the third reason provided, it is possible that the examiner envisaged a situation where embodiments to at least one of the non-elected and examined species would raise potential non-art issues not associated with other embodiments. However, even if such were not the case, given that at least one of the conditions for finding burden would apply, the mere presence of this third basis for finding burden whether accurate or not does not render the species election impermissible.

Finally, it noted that it is not entirely clear what the effect of the grant of the relief requested by the Applicant would be. In the present case, no claims have been withdrawn as being directed to a non-elected species. Thus, even if the requested relief was granted, it would have not impact of prosecution as it stands.

In the converse, the examiner has applied art to the claimed species, which art does not appear to support a conclusion that art applicable for one species would necessarily apply to each species. See e.g., pages 3-6 (applying one reference as a 102 rejection to generic claims regarding the use of lipoidic agents generally), and pages 7-10 (applying separate references in obviousness rejections to demonstrate the obviousness of the elected and specifically claimed species). Thus, the facts of the case indicate that there would indeed be a search burden in the examination of each of the presented species were the species election withdrawn, and the Applicant permitted to add claims to each of the species.

Finally, it is noted that according to MPEP 809.02(a), and as acknowledged on page 6 of the Requirement, "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141." Thus, even in the absence of a grant of the this petition, if the generic claim presented by the applicant is found to be allowable, they will at that time still be entitled to examination of claims to additional species under appropriate circumstances.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **DENIED**.

A request for reconsideration for this petition decision should be filed under 37 CFR 1.181 within 2 months of the mailing date of this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

Irem Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 12 2011

Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/110,007	04/25/2008	Jacob Oshins	308942.02	4625

69316 7590 05/13/2011
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER
LE, DIEU MINH T

ART UNIT	PAPER NUMBER
2114	

NOTIFICATION DATE	DELIVERY MODE
05/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vffiling@microsoft.com
stevensp@microsoft.com
ntovar@MICROSOFT.COM

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

In re Application of: Jacob OSHINS, et al. Appl. No.: 12/110,007 Filed (effective): April 25, 2008 For: INCREASING SOFTWARE FAULT TOLERANCE BY EMPLOYING SURPRISE-REMOVAL PATHS	DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition filed on April 19, 2011 under 37 CFR § 1.59(b), to expunge a Terminal Disclaimer submitted on April 15, 2011.

The petition is **GRANTED**.

Petitioner requests that the Terminal Disclaimer filed on April 15, 2011 be expunged from the record. Petitioner states that this Terminal Disclaimer included a typographical error which caused the document to include an erroneous reference. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The expunged materials have been closed from public view and will not be returned to applicant.

It is noted that the instant application was been published on November 27, 2008. Thus, the Terminal Disclaimer submitted on April 15, 2011 had already been made available to the public and was subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3595.

Brian Johnson, SPRE/QAS
Technology Center 2100
Computer Architecture and Softward

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CASIMIR JONES, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
REED, et al	:	
Application No. 12/110,088	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO WITHDRAW
Attorney Docket No. MONME-14110/US-3/ORD	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **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 Tyler J. Sisk on behalf of the attorneys of record associated with Customer No. 72960.

The attorneys of record associated with Customer No. 72960 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 copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAIME REED
909 PERKINS DRIVE
MUKWONAGO, WI 53149

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/110,088	04/25/2008	Jaime C. Reed	MONME-14110/US-3/ORD

CONFIRMATION NO. 4788

POWER OF ATTORNEY NOTICE

72960
Casimir Jones, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON, WI 53562

OC000000046926143

Date Mailed: 04/04/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2011.

- 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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Anjun Jerry Jin
2091 Ascot Drive
SUITE 230
Moraga CA 94556

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Anjun Jerry Jin, et al.	:	
Application No. 12/110,097	:	DECISION ON PETITION
Filed: April 25, 2008	:	
Attorney Docket No. 027422-0002P	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Restriction Requirement, mailed December 8, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 9, 2010. The Notice of Abandonment was mailed August 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 election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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.

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 $1,175 extension of time fee submitted with the petition on August 27, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1795 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MORRISON & FOERSTER LLP**
755 Page Mill Road
Palo Alto, CA 94304-1018

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SUNNYVALE CA 94089

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MAR 3 1 2011
OFFICE OF PETITIONS

In re Application of	:	
Wayne Booth, et al.	:	
Application No. 12/110,138	:	DECISION DISMISSING PETITION
Filed: April 25, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P01-3412	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until March 30, 2011. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $130 petition fee submitted is unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record. Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **KLEIN, O'NEILL & SINGH, LLP**
18200 Von Karman Avenue, Suite 725
Irvine, CA 92612

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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

In re Application of
Dorian Bevec et al.
Application No. 12/110,151
Filed: April 25, 2008
Attorney Docket No. **47012-P003WUSC1**

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 August 19, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22428 has been revoked by the applicants of the patent application on August 10, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

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OFFICE OF PETITIONS

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

In re Application of
Jeffrey Michael Alexander
Application No. 12/110,175
Filed: April 25, 2008
Attorney Docket No.: DROP-0045

ON PETITION

This is a decision in response to the petition, filed June 16, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 2, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 3, 2011. A Notice of Abandonment was mailed on June 9, 2011. On June 16, 2011, 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 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 2857 for appropriate action by the Examiner in the normal course of business on the response filed June 16, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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PETER M. ULLMAN LLC
PO BOX 6764
LAWRENCEVILLE, NJ 08648-0764

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Gaurav Bhalotia et al.	:	
Application No. 12/110,246	:	DECISION ON PETITION
Filed: April 25, 2008	:	TO WITHDRAW
Attorney Docket No. **KOS-0004**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 21, 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 21912 has been revoked by the applicants of the patent application on January 12, 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: VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/110,246	04/25/2008	Gaurav Bhalotia	KOS-0004

CONFIRMATION NO. 5129

POA ACCEPTANCE LETTER

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

OC000000045515132

Date Mailed: 01/18/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/12/2011.

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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/110,246	04/25/2008	Gaurav Bhalotia	KOS-0004

CONFIRMATION NO. 5129

68685
PETER M. ULLMAN LLC
PO BOX 6764
LAWRENCEVILLE, NJ 08648-0764

POWER OF ATTORNEY NOTICE

OC000000045515131

Date Mailed: 01/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/12/2011.

- 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).

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

In re Application of	:
Ruhe, et al.	: DECISION ON PETITION
Application No. 12/110,248	:
Filed: April 25, 2008	:
Atty. Dkt. No.: T-6967	:

This decision is in response to the petition under 37 CFR 1.137(b), filed September 14, 2010.

The petition is **GRANTED**.

The application became abandoned May 19, 2010 for failure to timely submit a proper reply to the non-final Office action mailed February 18, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed August 30, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 1796 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Decision Date March 8, 2012

In re Application of William Ruhe, JR.

Application No. 12110248

Filed: 25-Apr-2008

Attorney Docket No. T-6967

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), March 8, 2012 , to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding final Office action. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and/or response, Request for Continued Examination, and the filing fee required under 37 CFR 1.17(e); (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the Request for Continued Examination and the amendment and/or response are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12110248
Filing Date	25-Apr-2008
First Named Inventor	William Ruhe, JR.
Attorney Docket Number	T-6967
Title	LUBRICATING OIL ADDITIVE COMPOSITION AND METHOD OF MAKING THE SAME

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; 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	/JOSETTA I. JONES/
Name	Josetta I. Jones
Registration Number	51368

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.
12/110,328	04/27/2008	Jinjia Wu	SW-971499 (S-127)	5276

58256 7590 08/04/2010
Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct
Sugar Land, TX 77479-5201

EXAMINER
SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
08/04/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Dr. Banger Shia
Patent Office of Bang Shia
102 Lindencrest Ct.
Sugarland, TX 77479-5201

In re Application of: WU Application Serial No.: 12/110,328 Filed: April 27, 2008 For: Multi-Functioned Flashlight for Vehicle Rescue Use	**DECISION ON PETITION TO CORRECT INVENTORSHIP** ***37 CFR § 1.48 (a)***

This is a decision on the petition under 37 C.F.R. § 1.48 (a) filed July 10, 2010, to correct Inventorship in the above-identified Patent Application.

The instant application was filed April 27, 2008 listing **Jinjia Wu** as the only inventor. Petition requests that the above-identified application amend the inventorship to correct the aforementioned inventor's name, which was unintentionally submitted, as following.

Jianjun Wu

Based on the filed record as a whole and the facts as set forth and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the technical support staff for the name correction, and will then be forwarded to issue branch for processing into a patent.

Jong-Suk (James) Lee
Supervisory Patent Examiner
Art Unit 2885

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DR. BANGER SHIA
PATENT OFFICEOF BANG SHIA
102 LINDENCREST CT.
SUGAR LAND TX 77479-5201

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Ren-Liang Xu	:	
Application No. 12/110,334	:	DECISION ON PETITION
Filed: April 27, 2008	:	
Attorney Docket No. SW-971507 (S-133)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and an election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed June 25, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Petitioner is advised, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED
SEP 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Chin-Long Ku	:	
Application No. 12/110,346	:	DECISION DISMISSING PETITION
Filed: April 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. US18795	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 13, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until September 16, 2010. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $810 filing fee and the $130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

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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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Patent of Jiang :
Patent No. 7,839,838 :
Issue Date: November 23, 2010 :
Application No. 12/110,348 :
Filing Date: April 28, 2008 :
Attorney Docket No. ASTP0408USA3 :

Letter

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed October 15, 2010.

The deficiency payment of $1,060 is hereby accepted.

The change of status to large entity has been entered and made of record.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. Although this decision is being mailed to the address given on the petition, the Office will mail all future correspondence solely to the current address of record absent receipt of appropriate instructions to the contrary.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Klein, O'Neill & Singh, LLP
Suite 725
18200 Von Karman Avenue
Irvine, CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of :
Sam Shiaw-Shiang Jiang :
Application No. 12/110,352 : ON PETITION
Filed: April 28, 2008 :
Attorney Docket No. ASTP0409USA3 :

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed February 4, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 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 in the amount of $655, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The matter is being referred to Technology Center 2618.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

SANG N. DANG
KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE,
SUITE 725
IRVINE, CALIFORNIA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID E. LOVEJOY, REG. NO. 22,748
102 REED RANCH ROAD
TIBURON CA 94920-2025

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Reynolds et al.	:	
Application No. 12/110,374	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. IRRC-01003US0	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 26, 2010. A Notice of Abandonment was mailed August 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 an Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. 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.

Additionally, if petitioner wishes a change of address regarding the above-identified application the request should be filed in accordance with MPEP 601.03 and the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3676 for further appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: David E. Lovejoy
11 Newport Landing Drive
Novato, CA 94949

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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WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Patent No. 8,016,538	:	
Issue Date: September 13, 2011	:	
Application No. 12/110,382	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. 377/9-2523	:	

This is a decision on the Request For A Certificate of Correction, filed October 6, 2011, 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. 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:

"Open Business Exchange Limited"

to:

--Marchesini Group, S.p.A.--

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 the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was submitted. However, the requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), 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) 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. 8,016,538.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

U.S. Army Corps of Engineers
Humphreys Engineer Center
ATTN: CEHEC-OC (Kingman Building)
7701 Telegraph Road
Alexandria VA 22315-3860

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Kumar et al.	:	
Application No.: 12/110386	:	ON PETITION
Filing or 371(c) Date: 04/28/2008	:	
Attorney Docket Number:	:	
COE-617	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed June 8, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed August 3, 2010. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on November 4, 2010. A Notice of Abandonment was mailed on March 1, 2011.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center Art Unit 1641 for processing of the response to the Office action filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: EARL H. BAUGHER JR.
ALBURQUERQUE ENGINEER DISTRICT
(CESPA-OC, RM 303)
4101 JEFFERSON PL NE
ALBURQUERQUE, NM 87109

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Robinson et al.	:	DECISION ON PETITION
Application No. 12/110,475	:	TO WITHDRAW
Filed: April 28, 2008	:	FROM RECORD
Attorney Docket No. 19851.0002.NPUS00	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Brenda O. Holmes on behalf of all attorneys of record who are associated with customer No. 23370.

All attorneys/agents associated with the Customer Number 23370 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON DC 20036

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Kurata et al.	:	
Application No. 12/110,491	:	ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. P29766-02	:	

This is a decision on the petition under 37 CFR 1.182, filed September 29, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. KURATA, Kazushi
2. TANAKA, Tetsuya
3. HIGAKI, Nobuo
4. HAYASHI, Kunihiko
5. KADOTA, Hiroshi
6. KIYOHARA, Tokuzo
7. KIMURA, Kozo
8. NISHIDA, Hideshi
9. FURUKAWA, Kazuya
10. FUJII, Shigeki
12. SUGIMURA, Toshio

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 2183 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/110,491	04/28/2008	2183	1550	P29766-02	9	1

CONFIRMATION NO. 5585

CORRECTED FILING RECEIPT

42212
PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

OC000000044180932

Date Mailed: 10/26/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kazushi Kurata, Takatsuki-shi, JAPAN;
Tetsuya Tanaka, Souraku-gun, JAPAN;
Nobuo Higaki, Kobe-shi, JAPAN;
Kunihiko Hayashi, Takatsuki-shi, JAPAN;
Hiroshi Kadota, Toyonaka-shi, JAPAN;
Tokuzo Kiyohara, Osaka-shi, JAPAN;
Kozo Kimura, Toyonaka-shi, JAPAN;
Hideshi Nishida, Nishinomiya-shi, JAPAN;
Kazuya Furukawa, Ibaraki-shi, JAPAN;
Shigeki Fujii, Neyagawa-shi, JAPAN;
Toshio Sugimura, Takarazuka-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 42212

Domestic Priority data as claimed by applicant

This application is a DIV of 10/338,408 01/08/2003 PAT 7,386,707

Foreign Applications

JAPAN JP2002-002816 01/09/2002
JAPAN JP2003-001616 01/07/2003

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 05/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/110,491**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PROCESSOR AND PROGRAM EXECUTION METHOD CAPABLE OF EFFICIENT PROGRAM EXECUTION

Preliminary Class

712

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WASHINGTON DC 20036

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Kurata et al.	:	
Application No. 12/110,513	:	ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. P29766-03	:	

This is a decision on the petition under 37 CFR 1.182, filed September 29, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. KURATA, Kazushi
2. TANAKA, Tetsuya
3. HIGAKI, Nobuo
4. HAYASHI, Kunihiko
5. KADOTA, Hiroshi
6. KIYOHARA, Tokuzo
7. KIMURA, Kozo
8. NISHIDA, Hideshi
9. FURUKAWA, Kazuya
10. FUJII, Shigeki
11. SUGIMURA, Toshio

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 2183 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/110,513	04/28/2008	2183	1550	P29766-03	14	2

CONFIRMATION NO. 5629

CORRECTED FILING RECEIPT

42212
PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

OC000000044181031

Date Mailed: 10/26/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kazushi Kurata, Takatsuki-shi, JAPAN;
Tetsuya Tanaka, Souraku-gun, JAPAN;
Nobuo Higaki, Kobe-shi, JAPAN;
Kunihiko Hayashi, Takatsuki-shi, JAPAN;
Hiroshi Kadota, Toyonaka-shi, JAPAN;
Tokuzo Kiyohara, Osaka-shi, JAPAN;
Kozo Kimura, Toyonaka-shi, JAPAN;
Hideshi Nishida, Nishinomiya-shi, JAPAN;
Kazuya Furukawa, Ibaraki-shi, JAPAN;
Shigeki Fujii, Neyagawa-shi, JAPAN;
Toshio Sugimura, Takarazuka-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 42212

Domestic Priority data as claimed by applicant

This application is a DIV of 10/338,408 01/08/2003 PAT 7,386,707

Foreign Applications

JAPAN JP2002-002816 01/09/2002
JAPAN JP2003-001616 01/17/2003

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 05/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/110,513**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PROCESSOR AND PROGRAM EXECUTION METHOD CAPABLE OF EFFICIENT PROGRAM EXECUTION

Preliminary Class

712

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.

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NOT GRANTED

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WASHINGTON DC 20036

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Kurata et al.	:	
Application No. 12/110,539	:	ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. P29766-04	:	

This is a decision on the petition under 37 CFR 1.182, filed September 29, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. KURATA, Kazushi
2. TANAKA, Tetsuya
3. HIGAKI, Nobuo
4. HAYASHI, Kunihiko
5. KADOTA, Hiroshi
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8. NISHIDA, Hideshi
9. FURUKAWA, Kazuya
10. FUJII, Shigeki
11. SUGIMURA, Toshio

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 2183 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/110,539	04/28/2008	2183	1550	P29766-04	6	2

CONFIRMATION NO. 5672

CORRECTED FILING RECEIPT

42212
PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

OC000000044181047

Date Mailed: 10/26/2010

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Nobuo Higaki, Kobe-shi, JAPAN;
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Shigeki Fujii, Neyagawa-shi, JAPAN;
Toshio Sugimura, Takarazuka-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 42212

Domestic Priority data as claimed by applicant

This application is a DIV of 10/338,408 01/08/2003 PAT 7,386,707

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JAPAN JP2002-002816 01/09/2002
JAPAN JP2003-001616 01/07/2003

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If Required, Foreign Filing License Granted: 05/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/110,539**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PROCESSOR AND PROGRAM EXECUTION METHOD CAPABLE OF EFFICIENT PROGRAM EXECUTION

Preliminary Class

712

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NOT GRANTED

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JUN 28 2011
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RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

In re Application of Ronald David Accuardi Application No. 12/110,636 Filed: April 28, 2008 Attorney Docket No. TRITP0102USA	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 10, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Renner, Otto, Boisselle & Sklar, LLP has been revoked by the assignee of the patent application on May 16, 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 undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Aarts et al.	:	
Application No. 12/110,676	:	DECISION ON PETITION
Filed: April 28, 2008	:	UNDER 37 CFR 1.78(a)(6)
Atty Docket No. 07-362-A	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.78(a)(6) TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED PROVISIONAL APPLICATION, filed February 17, 2010, to accept an unintentionally delayed claim to prior-filed application No. 60/926,642.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority 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 the 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 under 37 CFR § 1.78(a)(6), must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i), of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii), and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing of the application in either the first sentence of the specification or in an application data sheet. (The application as filed included a benefit claim to the incorrect provisional application. The application as filed also included the foreign priority claim to the European Patent Application in an application data sheet). The four and sixteen-month periods specified in 37 CFR § 1.78(a)(5)(ii) expired without submission of the reference to the correct provisional application. Thus, the instant petition is appropriate. In addition, the petition includes payment of the surcharge and the required statement of unintentional delay.

On petition, the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) of the correct prior-filed provisional application has been included in a supplemental application data sheet, as well as, in an amendment to the specification. The filing date of provisional application No. 60/926,642, for which priority is claimed, is April 27, 2007, which is within twelve months of the filing date of this application, (Monday) April 28, 2008.

A review of the application history reveals that the provisional application filing fee was timely paid in the prior-filed provisional application.

Consistent with the supplemental ADS submitted on petition, the benefit claim to the incorrectly identified provisional application No. 60/926,624 has been deleted.

Thus, it is concluded that all outstanding requirements have been met. The petition under 37 CFR 1.78 is grantable.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed application under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

<u>The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR § 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§119(e) and 1.78(a)(4) and (a)(5) must be met.</u>

Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 3735 for examination in due course, including consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 119(e) of the prior-filed application as set forth in the application data sheet (and amendment) filed February 17, 2010.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/110,676	04/28/2008	3735	2360	07-362-A	44	3

CONFIRMATION NO. 5913

CORRECTED FILING RECEIPT

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

OC000000043714127

Date Mailed: 09/27/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Arno Aarts, Leuven, BELGIUM;
Hercules Pereira Neves, Hamme-Mille, BELGIUM;
Chris Van Hoof, Leuven, BELGIUM;
Eric Beyne, Leuven, BELGIUM;
Patrick Ruther, Residence Not Provided;
Robert Puers, Residence Not Provided;

Assignment For Published Patent Application

INTERUNIVERSITAIR MICROELEKTRONICA CENTRUM (IMEC), Leuven, BELGIUM
KATHOLIEKE UNIVERSITEIT LEUVEN, Leuven, BELGIUM
Albert-Ludwigs-Universitat Freiburg Fahnenbergplatz, freiburg, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 20306

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/926,642 04/27/2007

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 08154893 04/21/2008

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.

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to**

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 09/24/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/110,676**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Connecting Scheme for Orthogonal Assembly of Microstructures

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: TI-61671	Patent Number: 7,668,022
Filing Date (or 371(b) or (f) Date): 04-28-2008	Issue Date: 02/23/2010
First Named Inventor: Joerg Goller	
Title: INTEGRATED CIRCUIT FOR CLOCK GENERATION FOR MEMORY DEVICES	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /	Date August 12, 2010
Name (Print/Typed) Wade J. Brady III	Registration Number 32,080

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below**.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/18/2010

Applicant	: Joerg Goller	: DECISION ON REQUEST FOR
Patent Number	: 7668022	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/110,684	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/28/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/110,691	04/28/2008	Gregory ELLIS	73591.000006	5936

21967 7590 12/22/2011
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON, DC 20037

EXAMINER
FOSSELMAN, JOEL W

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
12/22/2011	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.

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

In re Application of:	:	
ELLIS, GREGORY	:	
Serial No.: **12/110,691**	:	DECISION ON PETITION
Filed: **April 28, 2008**	:	TO WITHDRAW
Attorney Docket Number: **73591.000006**	:	HOLDING OF ABANDONMENT
For: **REMOTELY ACCESSED VIRTUAL**	:	
RECORDING ROOM	:	

This is a decision on the petition filed December 7, 2011 pursuant to 37 C.F.R. § 1.181 to reset the reply period for the Office action dated June 8, 2011. Because abandonment takes place by operation of law for failure to reply to an Office action, not by operation of the mailing of a Notice of Abandonment this petition is treated as a petition to withdraw the holding of abandonment of the above-identified application.

BACKGROUND

On June 8, 2011, a non-final rejection, which was the first action on the merits in the application, was mailed. Petitioner alleges that they discovered the Office action when they checked the application status on PAIR on December 3, 2011. The petition was filed December 7, 2011. The petition is based on the practice detailed in MPEP 710.06, which is for late receipt of an Office action, not non-receipt. Since the filing of the petition does not constitute a bona fide response under 37 CFR 1.135 the application is abandoned as of December 9, 2011.

PRACTICE AND PROCEDURE

MPEP 711.03(c) says in part: "[A]n 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."

MPEP 711.03(c) details the showing required to establish nonreceipt:

> 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.

DECISION

Since the filing of the petition does not constitute a bona fide response under 37 CFR 1.135 the application is abandoned as of 12/09/2011. Petitioners submission fails to meet the necessary requirements to withdraw the holding of abandonment due to nonreceipt of the Office action. Therefore, the petition is **DISMISSED**.

Applicant is given two months to supplement the submission to include the balance of requirements for a petition to withdraw abandonment for nonreceipt of the Office action in compliance with MPEP 711.03(c).

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/Daniel Swerdlow/

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/110,691	04/28/2008	Gregory ELLIS	73591.000006	5936

21967 7590 01/13/2012
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON, DC 20037

EXAMINER
FOSSELMAN, JOEL W

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
01/13/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

In re Application of:	:	
ELLIS, GREGORY	:	
Serial No.: **12/110,691**	:	DECISION ON PETITION
Filed: **April 28, 2008**	:	TO WITHDRAW
Attorney Docket Number: **73591.000006**	:	HOLDING OF ABANDONMENT
For: **REMOTELY ACCESSED VIRTUAL**	:	
RECORDING ROOM	:	

This is a decision on the petition filed December 7, 2011, with a supplement filed on January 5, 2012 pursuant to 37 C.F.R. § 1.181 to withdraw the holding of abandonment of the above-identified application.

BACKGROUND

On June 8, 2011, a non-final rejection, which was the first action on the merits in the application, was mailed. Petitioner alleges that they discovered the Office action when they checked the application status on PAIR on December 3, 2011. The original petition was filed December 7, 2011 and was based on the practice detailed in MPEP 710.06, which is for late receipt of an Office action, not non-receipt. The original petition was dismissed because the accompanying exhibits did not meet the requirements of MPEP 711.03(c) for withdraw a holding of abandonment for non-receipt of an Office action.

PRACTICE AND PROCEDURE

MPEP 711.03(c) says in part: "[A]n 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."

MPEP 711.03(c) details the showing required to establish nonreceipt:

> 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.

DECISION

The supplemental filing includes exhibits that meet the requirements of MPEP 711.03(c) for withdraw a holding of abandonment for non-receipt of an Office action. Therefore, the petition is **GRANTED.**

The abandonment will be withdrawn. The Office action dated June 8, 2011 will be remailed and a new response period will commence upon said remailing.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/Daniel Swerdlow/

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS TX 75374-1715

MAILED
OCT 28 2011
OFFICE OF PETITIONS

In re Application of
Jeff Slosar
Application No. 12/110,804
Filed: April 28, 2008
Attorney Docket No. Book-28907

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 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 Brian D. Walker on behalf of all attorneys/agents of record. All attorneys/agents of record 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: Jeff Slosar
16 Via Mira Monte
Henderson, NV 89011

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/110,804	04/28/2008	Jeff Slosar	BOOK-28907

CONFIRMATION NO. 6155

POWER OF ATTORNEY NOTICE

25883
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

OC000000050669699

Date Mailed: 10/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2011.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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P.O. BOX 741715
DALLAS TX 75374-1715

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of	:	
Jeff Slosar	:	
Application No. 12/110,811	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. BOOK-28906	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2011.

The request is **NOT APPROVED**.

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 of the certifications were not made on the PTO/SB/83 form. Certification box number 2 & 3 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/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Jeff Slosar**
16 Via Mira Monte
Henderson, NV 89011

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P.O. BOX 741715
DALLAS, TX 75374-1715

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of	:	
Jeff Slosar	:	
Application No. 12/110,811	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. BOOK-28906	:	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 3, 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 Brian D. Walker 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 Jeff Slosar at the address indicated below.

There is an outstanding Office action mailed August 30, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Jeff Slosar**
16 Via Mira Monte
Henderson, NV 89011

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/110,811	04/28/2008	Jeff Slosar	BOOK-28906

CONFIRMATION NO. 6166

POWER OF ATTORNEY NOTICE

25883
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

OC000000052589204

Date Mailed: 02/14/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2012.

- 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.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MITSUBISHI ELECTRIC RESEARCH LABORATORIES, INC.
201 BROADWAY
8TH FLOOR
CAMBRIDGE MA 02139

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Anthony Vetro et al.	:	
Application No. 12/110,834	:	DECISION ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No. **MERL-2022**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 06, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before May 18, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 18, 2010. Accordingly, the date of abandonment of this application is May 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 corrected formal drawings, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance of February 18, 2010 is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **DIRK BRINKMAN**
201 BROADWAY
CAMBRIDGE MA 02478

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of	:	
Wentzlaff et al.	:	DECISION ON REQUEST FOR
Application No. 12/110,956	:	RECONSIDERATION OF
Filed: April 28, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No. 19731-003003	:	

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b) filed on January 13, 2012. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred three (403) days to two hundred twelve (212) 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 two hundred twelve (212) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 14, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 403 days. On January 13, 2012, applicants timely[1] submitted an application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is 212 days. Pursuant to their duty of good faith and candor to the Office, applicants disclose that a period of reduction of 191

[1] PALM records indicate that the Issue Fee payment was received on January 13, 2012.

days, pursuant to 37 CFR 1.704(c)(8), should have been entered for the supplemental paper filed October 6, 2011.

The patent issuing from the application is subject to a terminal disclaimer.

Applicants are correct. A period of reduction of 191 days has been entered for applicant delay.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is two hundred twelve (212) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of PALM PTA Calculation

Patent Term Adjustments

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12110956 Search. Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12110956

Application Filing Date	04/28/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	437
A Delays	437	PTO Manual Adjustment	-191
B Delays	0	Applicant Delay (APPL)	34
C Delays	0	Total PTA (days)	212

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
63	01/23/2012		P028	Adjustment of PTA Calculation by PTO		191	0
54	10/14/2011	07/29/2011	MN/=.	Mail Notice of Allowance	77		41
53	10/11/2011		OAR	Office Action Review			0
52	10/11/2011		OAR	Office Action Review			0
51	10/11/2011		OAR	Office Action Review			0
50	10/11/2011		N/=.	Notice of Allowance Data Verification Completed			0
49	10/11/2011		IREV	Issue Revision Completed			0
48	10/11/2011		DVER	Document Verification			0
47	10/09/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0
45	10/09/2011		EX.A	Examiner's Amendment Communication			0
44	10/09/2011		CNTA	Allowability Notice			0
46	10/06/2011		EXIE	Interview Summary - Examiner Initiated			0
40	03/31/2011		ABN9	Disposal for a RCE / CPA / R129			0
39	03/31/2011		FWDX	Date Forwarded to Examiner			0
41	03/29/2011		RCEX	Request for Continued Examination (RCE)			0
38	03/29/2011		AMPR	RCE- AF Processed			0
37	03/29/2011		BRCE	Workflow - Request for RCE - Begin			0
36	03/22/2011		EML_NTR	Email Notification			0
35	03/22/2011		MCTAV	Mail Advisory Action (PTOL - 303)			0
34	03/14/2011		CTAV	Advisory Action (PTOL-303)			0
33	03/08/2011		FWDX	Date Forwarded to Examiner			0
32	03/07/2011		A.NE	Amendment after Final Rejection			0
31	01/05/2011		ELC_RVW	Electronic Review			0
30	01/05/2011		EML_NTF	Email Notification			0
29	01/05/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
28	01/03/2011		CTFR	Final Rejection			0
26	10/28/2010		FWDX	Date Forwarded to Examiner			0
27	10/27/2010		IDSC	Information Disclosure Statement considered			0
23	10/27/2010		RCAP	Reference capture on IDS			0
22	10/27/2010	10/25/2010	M844	Information Disclosure Statement (IDS) Filed		2	25
21	10/27/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
25	10/25/2010	09/23/2010	A...	Response after Non-Final Action		32	15
24	10/25/2010		XT/G	Request for Extension of Time - Granted			0
20	10/22/2010		EML_NTR	Email Notification			0
19	10/22/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
18	10/18/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
17	06/23/2010		ELC_RVW	Electronic Review			0
16	06/23/2010		EML_NTF	Email Notification			0
15	06/23/2010	06/28/2009	MCTNF	Mail Non-Final Rejection	360		0.5
14	06/20/2010		CTNF	Non-Final Rejection			0
11	06/08/2010		DOCK	Case Docketed to Examiner in GAU			0
10	07/17/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
8	05/20/2008		OIPE	Application Dispatched from OIPE			0
7	05/14/2008		PGPC	Sent to Classification Contractor			0
6	05/14/2008		FLRCPT.O	Filing Receipt			0
5	05/14/2008		COMP	Application Is Now Complete			0
3	05/05/2008		L194	Cleared by OIPE CSR			0
9	04/28/2008		C602	Oath or Declaration Filed (Including Supplemental)			0
4	04/28/2008		NPRQ	PGPubs nonPub Request			0
2	04/28/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	04/28/2008		IEXX	Initial Exam Team nn			0
0.5	04/28/2008		EFILE	Filing date			0

Export to: Excel

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COOLEY LLP
Attn: Patent Group
Suite 1100
777-6th Street, NW
Washington, DC 20001

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Majid Shahbazi, et al.	:	
Application No. 12/110,971	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. AVSE-001/02US 309820-2003	:	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 6, 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 Christopher R. Hutter 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 assignee at the address indicated below.

There is an outstanding Office action mailed September 28, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **AVOCADO SECURITY, INC.**
11350 Random Hills Road, Suite 800
Fairfax, VA 22030

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
12/110,971	04/28/2008	Majid Shahbazi	AVSE-001/02US 309820-2003

CONFIRMATION NO. 6459

POWER OF ATTORNEY NOTICE

OC000000045366915

58249
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

Date Mailed: 01/10/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2010.

- 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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SEP 27 2011
OFFICE OF PETITIONS

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

In re Application of	:	
Sydney Brenner	:	
Application No.: 12/111,043	:	ON PETITION
Filed: April 28, 2008	:	
Attorney Docket No.: CGLC-005CIPDIV	:	

This is a decision on the petition, filed September 26, 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 not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. David C. Scherer appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 16, 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 1634 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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CASIMIR JONES, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

MAILED

AUG 17 2010

OFFICE OF PETITIONS

NOTICE

In re Patent No. 7,683,046 :
Issue Date: March 23, 2010 :
Application No. 12/111,068 :
Filed: April 28, 2008 :
Attorney Docket No. UM-07249/US-15/CON :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12111075
Filing Date	28-Apr-2008
First Named Inventor	Jonathan Cohen
Art Unit	2628
Examiner Name	RYAN YANG
Attorney Docket Number	92090 [50X8929.02]
Title	METHOD FOR DETECTING COLLISIONS AMONG LARGE NUMBERS OF PARTICLES

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	/Richard E. Wawrzyniak/
Name	Richard E. Wawrzyniak
Registration Number	36048

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 16, 2012

In re Application of :

Jonathan Cohen

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12111075

Filed : 28-Apr-2008

Attorney Docket No : 92090 [50X8929.02]

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 16, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2628 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Christopher Scott Gordon, et al.	:	
Application No. 12/111,091	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. **P416796PAT**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 12, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Matthew Jellett or any attorneys/agents associated with Customer Number 62772 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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YAHOO! INC.
C/O FROMMER LAWRENCE & HAUG, LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

MAILED
OCT 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Jason Morse, et al.	:	
Application No. 12/111,115	:	DECISION GRANTING PETITION
Filed: April 28, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1361032-2039.2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3765 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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OFFICE OF PETITIONS

BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001

In re Application of	:	
PETERS	:	
Application No. 12/111,135	:	DECISION ON PETITION
Filed: April 28, 2008	:	TO WITHDRAW
Attorney Docket No. BOBJ-212/00US 304661-2478	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED.**

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
JAN 09 2012
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In re Application of	:	
Haimovich et al.	:	
Application No. 12/111,152	:	ON APPLICATION FOR
Filed: April 28, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No. 088245-7014	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)" filed December 28, 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 fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The 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

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.
12/111,162	04/28/2008	Thomas Belling	060282.00498	6810

32294 7590 09/29/2010
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	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):

IPGENERALTYC@SSD.COM
SWHITNEY@SSD.COM

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA VA 22182-6212

In re Application of: Thomas Belling
Application No. 12/111,162
Filed: April 28, 2010
For: **POLICY CONTROL IN A NETWORK**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

SEP 29 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 September 8, 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 EPO, 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 EPO, 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 EPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the EPO 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 EPO application that contains the allowable/patentable claims and the EPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the EPO application(s)

(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 EPO application(s)

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

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.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of Damude et al. Application No. 12/111,228 Filed: April 29, 2008 Attorney Docket No. BB1614 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 on May 19, 2011 the power of attorney to Alston & Bird, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,277	04/29/2008	William H. Eby	1421-317	7046

32905 7590 12/21/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ZHENG, LI

ART UNIT	PAPER NUMBER
1638	

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):

JondleOA@jondlelaw.com

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DEC 21 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/111,277	: PETITION DECISION
Filed: April 29, 2008	:
Attorney Docket No.: **1421-317**	

This is in response to the petition under 37 CFR § 1.59(b), filed December 7, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 7, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12111277
Filing Date	29-Apr-2008
First Named Inventor	William Eby
Art Unit	1638
Examiner Name	LI ZHENG
Attorney Docket Number	1421-317
Title	Soybean Cultivar 7904162

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 14, 2012

In re Application of :

William Eby

Application No : 12111277

Filed : 29-Apr-2008

Attorney Docket No : 1421-317

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,284	04/29/2008	William H. Eby	1421-318	7064

32905 7590 12/23/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ZHENG, LI

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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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	:
Serial No.: 12/111,284	: PETITION DECISION
Filed: April 29, 2008	:
Attorney Docket No.: **1421-318**	

This is in response to the petition under 37 CFR § 1.59(b), filed December 13, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 13, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,284	04/29/2008	William H. Eby	1421-318	7064

32905 7590 10/04/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ZHENG, LI

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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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.: 12/111,284	:
Filed: April 29, 2008	:
Attorney Docket No.: **1421-318**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 30, 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 December 13, 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

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	5	sixaxis and playstation	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/05 10:54
S1	2	"5570633".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:09
S2	2	"20070101882".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:10
S3	2	"20080141886".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:10
S4	2	ep-1295721-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:15
S5	2	de-202007004713-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:17
S6	5	"2007101882".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:37

EAST Search History (Prior Art)

S7	5	"2007101882".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:37
S8	2	"5570633".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:39
S9	2	gb-2114937-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/04 14:40
S10	2	gb-2114937-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/26 16:18
S11	2	"20100011978"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/26 16:18
S12	10	"7900559".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/26 16:19
S13	8	(US-20070101882-$ or US-20080141886-$ or US-20100011978-$).did. or (US-5570633-$ or US-7900559-$).did. or (EP-1295721-$ or DE-202007004713-$ or GB-2114937-$).did.	US-PGPUB; USPAT; EPO	ADJ	OFF	2011/04/26 16:21
S14	0	S13 and decod	US-PGPUB; USPAT; EPO	ADJ	OFF	2011/04/26 16:21
S15	4	S13 and angle	US-PGPUB; USPAT; EPO	ADJ	OFF	2011/04/26 16:21

EAST Search History (Prior Art)

S16	2	"5551339".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 10:57
S17	2	"5676058".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 13:46
S18	2	"6634297".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 13:54
S19	2	"5832829".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 14:14
S20	6	"1834771".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 14:16
S21	2	ep-1834771-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 14:17
S22	16	("3963902"|"4484522"|"5551339"|"5778779"|"6293194"|"6314883"|"6634297").pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 14:20
S23	16	("5092242" | "5216954" | "5379693").PN. OR ("5551339").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/27 14:29
S24	17	("5778779").URPN.	USPAT	ADJ	OFF	2011/04/27 14:46

EAST Search History (Prior Art)

S25	13	("5551339").URPN.	USPAT	ADJ	OFF	2011/04/27 14:49
S26	20	("3963902").URPN.	USPAT	ADJ	OFF	2011/04/27 14:51
S27	13	("5551339").URPN.	USPAT	ADJ	OFF	2011/04/27 14:53
S28	36	("5570633").URPN.	USPAT	ADJ	OFF	2011/04/27 14:54
S29	17	(US-20070101882-$ or US-20080141886-$ or US-20100011978-$).did. or (US-5570633-$ or US-7900559-$ or US-5551339-$ or US-6634297-$ or US-3963902-$ or US-5778779-$ or US-5828075-$ or US-6845713-$ or US-5842794-$).did. or (EP-1295721-$ or DE-202007004713-$ or GB-2114937-$).did. or (DE-4401269-$ or EP-806294-$).did.	US-PGPUB; USPAT; EPO; DERWENT	ADJ	OFF	2011/04/27 15:06
S30	3	S29 and switch	US-PGPUB; USPAT; EPO; DERWENT	ADJ	OFF	2011/04/27 15:07
S31	2529	101/248,286,781,485,480.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:17
S32	664	101/dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:17
S33	3126	101/248,286,781,485,480,dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:18
S35	36	S33 and limit adj switch	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:18
S36	23	S33 and (limit adj switch) and (registration or register)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:19

EAST Search History (Prior Art)

S37	57	S33 and switch with contact not S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/27 15:35
S38	34	("4553478" | "5181257" | "5339176" | "5689425" | "5724437" | "5812705" | "5992318" | "6166366" | "6266437").PN. OR ("6874420").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/27 15:38
S39	33	("2948216" | "3109131" | "3182590" | "3264983" | "3465217" | "3500154" | "3562619" | "3566241").PN. OR ("3717092").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/27 16:19
S40	33	("2948216" | "3109131" | "3182590" | "3264983" | "3465217" | "3500154" | "3562619" | "3566241").PN. OR ("3717092").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/27 16:19
S41	16	("2922633" | "2963965" | "3601046" | "3717092" | "4177730" | "4223453" | "4283731" | "4603336" | "4811939" | "4841855" | "5001950" | "5076164" | "5893557" | "6418827").PN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/27 16:43
S42	34	("4119032" | "4913048" | "4936211" | "4991503" | "5127322" | "5188027" | "5241905" | "5277112" | "5323702" | "5370047" | "5379693" | "5385093" | "5388511" | "5490461" | "5492062" | "5551339" | "5596926").PN. OR ("5778779").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 08:52
S43	2529	101/248,286,781,485,480.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 09:23
S44	664	101/dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 09:23
S45	3126	S43 or S44	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 09:23

EAST Search History (Prior Art)

S46	64	("20020002920" | "2054620" | "3035331" | "3978254" | "3982312" | "4119032" | "4144813" | "4378622" | "4537129" | "4596468" | "4603641" | "4812219" | "4845433" | "4949445" | "5168808" | "5289769" | "5320041" | "5351615" | "5383402" | "5394614" | "5440981" | "5461980" | "5479859" | "5507226" | "5507228" | "5535674" | "5544584" | "5553541" | "5555810" | "5654100" | "5706731" | "5740738" | "5752444" | "5768990" | "5778779" | "5782181" | "5806424" | "5806431" | "5813334" | "5813336" | "5816154" | "5819657" | "5832824" | "5868072" | "5918540" | "5983799" | "5992325" | "6038975" | "6053105" | "6135027" | "6148725" | "6276271" | "6283026" | "6347582" | "6360662" | "6374734" | "6382102" | "6389965" | "6401613" | "RE34970").PN. OR ("6845713" | "7011021").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 09:41
S47	18	("4596468" | "4603641" | "4845433" | "5320041" | "5383402" | "5394614" | "5461980" | "5479859" | "5555810" | "5778779" | "5806424" | "5806431" | "5868072" | "5918540" | "5992325" | "6053105" | "6135027").PN. OR ("6845713").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 09:41
S48	2899	S43 or S44	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 09:55
S49	1	(10/555956).APP.	USPAT; USOCR	ADJ	OFF	2011/04/28 09:57
S50	1	ca-1223150-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 09:58
S51	1	ch-667425-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:02
S52	1	de-3136703-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:03

EAST Search History (Prior Art)

S53	2	de-4239089-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:04
S54	1	de-4401269-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:06
S55	1	de-29720928-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:06
S56	2	de-19832892-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:09
S57	3	"4484522".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 10:24
S58	73	("2802666" | "3084621" | "3102471" | "3120181" | "3165056" | "3339817" | "3520253" | "3717092" | "3791294" | "3841216" | "4025025" | "4033259" | "4135664" | "4264957" | "4318176" | "4364502" | "4437403" | "4742849").PN. OR ("4484522").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 10:25
S64	1204	S48 and (register or registration)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:22
S65	212	S48 and (register or registration) and switch	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:22
S66	1	S48 and inclinometer	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:22

EAST Search History (Prior Art)

S67	4506	inclinometer	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:23
S68	1	inclinometer and (printing adj press)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:24
S69	326	inclinometer and roller	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:24
S70	168	inclinometer and printing	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:24
S71	19	inclinometer and roller with angle	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:24
S72	7	inclinometer same (roller with angle)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 11:26
S73	1329	101/248.ccls.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/04/28 14:05
S74	1442	101/248.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 14:07
S75	1442	101/248.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/04/28 14:07
S76	126	101/286.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 08:20
S77	169	101/481.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 08:28

EAST Search History (Prior Art)

S78	664	101/dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 08:54
S79	48	(US-20070101882-$ or US-20080141886-$ or US-20100011978-$ or US-20110067588-$ or US-20100043659-$).did. or (US-5570633-$ or US-7900559-$ or US-5551339-$ or US-6634297-$ or US-3963902-$ or US-5778779-$ or US-5828075-$ or US-6845713-$ or US-5842794-$ or US-6874420-$ or US-4936212-$ or US-3717092-$ or US-5233920-$ or US-3601046-$ or US-4283731-$ or US-4538516-$ or US-5492062-$ or US-7819060-$ or US-4484522-$ or US-4135664-$ or US-7040226-$ or US-6862986-$ or US-6314884-$ or US-5816152-$ or US-4785733-$ or US-4719855-$).did. or (US-4581993-$ or US-6543355-$ or US-5415092-$ or US-5363564-$ or US-3434217-$ or US-5305691-$).did. or (US-3460473-$).did. or (EP-1295721-$ or DE-202007004713-$ or GB-2114937-$ or DE-19832892-$ or DE-3530035-$ or DE-3530024-$).did. or (DE-4401269-$ or EP-806294-$ or DE-3136703-$ or DE-29720928-$).did.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 08:55
S80	1442	101/248.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 08:55
S81	610	101/dig.36.ccls. not (S76 or S77 or S79 or S80)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 08:55
S82	748	101/485.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 10:03

EAST Search History (Prior Art)

S83	265	101/480.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 11:21
S84	58	(US-20070101882-$ or US-20080141886-$ or US-20100011978-$ or US-20110067588-$ or US-20100043659-$).did. or (US-5570633-$ or US-7900559-$ or US-5551339-$ or US-6634297-$ or US-3963902-$ or US-5778779-$ or US-5828075-$ or US-6845713-$ or US-5842794-$ or US-6874420-$ or US-4936212-$ or US-3717092-$ or US-5233920-$ or US-3601046-$ or US-4283731-$ or US-4538516-$ or US-5492062-$ or US-7819060-$ or US-4484522-$ or US-4135664-$ or US-7040226-$ or US-6862986-$ or US-6314884-$ or US-5816152-$ or US-4785733-$ or US-4719855-$).did. or (US-4581993-$ or US-6543355-$ or US-5415092-$ or US-5363564-$ or US-3434217-$ or US-5305691-$ or US-4520730-$ or US-4589338-$ or US-4603641-$ or US-6101945-$ or US-6378433-$ or US-6755132-$ or US-6796226-$ or US-6220162-$ or US-5201272-$ or US-3997828-$).did. or (US-3460473-$).did. or (EP-1295721-$ or DE-202007004713-$ or GB-2114937-$ or DE-19832892-$ or DE-3530035-$ or DE-3530024-$).did. or (DE-4401269-$ or EP-806294-$ or DE-3136703-$ or DE-29720928-$).did.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:43
S85	3	S84 and position with store	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:43
S86	3	S84 and position same store	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:47
S87	9	S84 and store	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:53

EAST Search History (Prior Art)

S88	6	S84 and store not S86	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:53
S89	7	("4413560"|"5060570").pn.	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 12:55
S90	4	"3434217".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/02 15:02
S91	11	("2607292" | "3272122").PN. OR ("3601046").URPN.	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/05/02 16:16
S92	7	S84 and switch with (side or end)	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/02 17:02
S93	2531	101/248,286,781,485,480.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 07:50
S94	664	101/dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 07:50
S95	2901	S93 or S94	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/05/03 07:50
S96	12	S95 and switch with (cylinder or roller) with (end or side)	US-PGPUB; USPAT; USOCR	ADJ	OFF	2011/05/03 07:50
S97	3128	101/248,286,781,485,480,dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:09

EAST Search History (Prior Art)

S98	36	S97 and (limit adj switch)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:09
S99	1	S95 and inclinometer	US-PGPUB; USPAT; USOCR; EPO; DERWENT	ADJ	OFF	2011/05/03 08:56
S100	1	S95 and inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:56
S102	2	S95 and accelerometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:56
S103	1	printing adj press and (acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:58
S104	1345	(roller or cylinder) and (acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:58
S105	173	(roller or cylinder) with(acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:59

EAST Search History (Prior Art)

S106	8	(roller or cylinder) near(acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 08:59
S107	0	printer near(acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 09:00
S108	0	print near(acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 09:00
S109	254	printer and(acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 09:00
S110	25	printer same (acceleromter or inclinometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 09:00
S111	2	"5,060,570".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 10:06
S112	19	printing adj press and (inclinometer or accelerometer)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 13:04

EAST Search History (Prior Art)

S113	11	"5570633".pn. or "5207272".pn. or "3717092".pn. or "4484522".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/03 14:29
S114	3128	101/248,286,781,485,480,dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:45
S115	1	S114 and marker with offset	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:52
S116	0	S114 and marker with angl	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:52
S117	0	S114 and marker with angul	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:52
S118	27	S114 and marker with position	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:52
S119	40	S114 and mark with offset	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:53

EAST Search History (Prior Art)

S120	45	S114 and mark with angul$ same position	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:55
S121	41	S114 and mark with angul$ same position not S119	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 09:55
S122	1339	(roller or cylinder) and inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 10:12
S123	359	(roller)and inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 10:12
S124	77	(roller)same inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 10:12
S125	39	(roller)with inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 10:12
S126	0	(roller)near inclinometer	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 10:13

EAST Search History (Prior Art)

S127	3128	101/248,286,781,485,480,dig.36.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	OFF	2011/05/04 11:02
S128	2160	101/248,286,781,485,480,dig.36.ccls.	US-PGPUB; USPAT	ADJ	OFF	2011/05/04 11:03

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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.
12/111,332	04/29/2008	William H. Eby	1421-342	7160

32905 7590 12/21/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
ZHENG, LI

ART UNIT	PAPER NUMBER
1638	

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):

JondleOA@jondlelaw.com

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Alexandria, VA 22313-1450
www.uspto.gov

DEC 2 1 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/111,332	: PETITION DECISION
Filed: April 29, 2008	:
Attorney Docket No.: **1421-342**	

This is in response to the petition under 37 CFR § 1.59(b), filed December 8, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 8, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12111332
Filing Date	29-Apr-2008
First Named Inventor	William Eby
Art Unit	1638
Examiner Name	LI ZHENG
Attorney Docket Number	1421-342
Title	Soybean Cultivar S070155

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 16, 2012

In re Application of :

William Eby

Application No : 12111332

Filed : 29-Apr-2008

Attorney Docket No : 1421-342

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 16, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,339	04/29/2008	William H. Eby	1421-343	7173

32905 7590 09/30/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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SEP 30 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 12/111,339
Filed: April 29, 2008
Attorney Docket No.: **1421-343**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 24, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on March 4, 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.

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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MAILED
NOV 30 2010
OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
Hiroyuki Okabe et al.	:	
Application No. 12/111,369	:	DECISION ON PETITION
Filed: April 29, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. P33958	:	

This is a decision on the petition, filed July 22, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 28, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 29, 2009, which was mailed on May 13, 2009 accompanies this decision petition.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to Office of Data Management for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Copy of the Notice Regarding Rescission of Nonpublication Request mailed on May 13, 2009

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
12/111,369	04/29/2008	Hiroyuki Okabe	P33958

CONFIRMATION NO. 7233

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

NONPUBLICATION RESCISSION LETTER

OC000000035897671

Date Mailed: 05/13/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 10/29/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/hsarwari/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAILED
MAR 16 2012
OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of
Hymel
Application No. 12/111,412
Filed: April 29, 2008
Attorney Docket No. **TI-65124**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned on May 16, 2011, for failure to file a proper reply to the final Office action mailed February 15, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed September 2, 2011.

The Request for Continued Examination and amendment filed February 16, 2012, are noted.

The application file is being forwarded to Technology Center, GAU 3662 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIEHL SERVILLA LLC
33 WOOD AVE. SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert Wall	:	
Application No. 12/111,416	:	DECISION ON PETITION
Filed: April 29, 2008	:	
Attorney Docket No. KOM0001-00US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed April 22, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3653 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,443	04/29/2008	William H. Eby	1421-319	7371

32905 7590 09/07/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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SEP 0 7 2010

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.: 12/111,443	
Filed: April 29, 2008	
Attorney Docket No.: **1421-319**	

This is in response to the petition under 37 CFR § 1.59(b), filed August 26, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on February 25, 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, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,453	04/29/2008	William H. Eby	1421-321	7393

32905 7590 09/07/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.: 12/111,453	
Filed: April 29, 2008	
Attorney Docket No.: **1421-321**	

This is in response to the petition under 37 CFR § 1.59(b), filed August 26, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on February 25, 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, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,518	04/29/2008	William H. Eby	1421-320	7513

32905 7590 08/03/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUMAR, VINOD

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
08/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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AUG 0 3 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/111,518	: PETITION DECISION
Filed: April 29, 2008	:
Attorney Docket No.: **1421-320**	

This is in response to the petition under 37 CFR § 1.59(b), filed March 8, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 8, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,518	04/29/2008	William H. Eby	1421-320	7513

32905 7590 09/30/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUMAR, VINOD

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 3 0 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 12/111,518
Filed: April 29, 2008
Attorney Docket No.: **1421-320**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 24, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on March 8, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1-25-12 Paper No.: _____

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/111,526 Patent No.: 8045600

CofC mailroom date: 1-12-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COFC be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

E Young
Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Chris Mi Fa
SPE

2611
Art Unit

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,646	04/29/2008	John Hoffman	RIG-1	7739

36255 7590 07/25/2011
ROSS PATENT LAW OFFICE
P.O. BOX 2138
DEL MAR, CA 92014

EXAMINER
NAGPAUL, JYOTI

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
07/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rosspatent@pacbell.net
john@rosspatent.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

In re Patent No. HOFFMAN ET AL. Issue Date: 19 October 2010 Appl No.: 12/111,646 Filed: April 29, 2008 For: LIQUID DISPENSING DEVICE	**DECISION GRANTING PETITION** *37 CFR 1.324*

This is a decision on the petition filed 12 April 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.

Jill A. Warden
Supervisory Patent Examiner
Art Unit 1773
Technology Center 1700

ROSS PATENT LAW OFFICE
P.O. BOX 2138
DEL MAR, CA 92014

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DATE: July 22, 2011
TO: Certificates of Correction Branch
FROM: Jill A. Warden
SPE, Art Unit 1773
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,815,865 as specified on the attached Certificate.

Jill Warden, SPE
Art Unit 1773

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,815,865
Patented: 19 October 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:

John Hoffman
James A. Benjamin
Janet M. Newman
John Andrew Moulds
David W. Jewell
John A. Adams
Thomas E. Vorndran
Brian L. Ganz
Michael C. Willis

Jill Warden
Supervisory Patent Examiner
Art Unit 1773

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/111,658	04/29/2008	William H. Eby	1421-347	7767

32905 7590 03/30/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAR 3 0 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: William. H. Eby Serial No.: 12/111,658 Filed: April 29, 2008 Attorney Docket No.: **1421-347**	PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 25, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 21, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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.
12/111,674	04/29/2008	William H. Eby	1421-348	7795

32905 7590 03/30/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 3 0 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: William. H. Eby Serial No.: 12/111,674 Filed: April 29, 2008 Attorney Docket No.: **1421-348**	: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 25, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 21, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date :September 23, 2011

Patent No. :8017384
Ser. No. :12111734
Inventor(s) : Shih-Perng Tsai et al.
Issued :Sept. 13, 2011
Title :MODULAR MEMBRANE SUPPORTED BIOREACTOR FOR CONVERSION OF
:OF SYNGAS COMPONENTS TO LIQUID PRODUCTS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Support 1-866-217-9197 571-272-4100

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571.272.9005.

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272- 9005

Cardinal Law Group
1603 Orrington Avenue, Ste 2000
Evanston, IL 60201

/arg

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CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston IL 60201

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FEB 06 2012
OFFICE OF PETITIONS

In re Patent No. 8,0173,84 :
Issue Date: 09/13/2011 :
Application No. 12/111,734 : ON PETITION
Filed: 04/29/2008 :
Attorney Docket No. 4575/7 :

This is a decision on the petition under 37 CFR 3.81(b) filed January 9, 2012.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. Patentees previously submitted a completed Certificate of Correction form. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

The 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.

The Office has no record of receiving the requisite $130.00 processing fee or $100.00 certificate of correction fee. Accordingly, these fees will be charged to the Deposit Account as authorized.

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.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 02 2010
OFFICE OF PETITIONS

CHAN LAW GROUP LLP
1055 W. 7TH ST.
SUITE 1880
LOS ANGELES CA 90017

In re Application of	:	
Kwan Yuen NG et al.	:	
Application No. 12/111,744	:	DECISION ON PETITION
Filed: April 29, 2008	:	
Attorney Docket No. 1443.703	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the notice of non-responsive amendment mailed, October 21, 2009, which set a shortened statutory period for reply of one (1) month. A four (4) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the notice of non-responsive amendment of October 21, 2009 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and

Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-4231.

This application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Emisphere Technologies, Inc.
c/o Blank Rome LLP
Attn: Patent Docketing
One Logan Square
Philadelphia PA 19103

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,659,311
Issue Date: February 9, 2010
Application No. 12/111,750
Filed: April 29, 2008
Attorney Docket No. 01946/100G906-US3

DECISION ON PETITION

This is a decision on the petition filed March 8, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Any renewed 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. This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

Petitioner states that the correct assignee's name is "Emisphere Technologies, Inc.." and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction as required by 3.81(b). Further, Office assignment records reflect that "Emisphere Technologies, Inc." is the assignee of record.

However, the individual who filed the petition is not an authorized user of the deposit account. Therefore, the Office was not able to charge the required $130.00 processing fee and the $100.00 certificate of correction fee.

The correspondence address differs from the address listed on the petition. A courtesy copy of this decision will be mailed to the person who filed this petition. All future correspondence pertaining to this patent will be directed solely to the correspondence address of record until appropriate change of correspondence address documents are filed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquires may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: FLYNN BARRISON
DARBY & DARBY, P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

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FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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NOV 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Hill et al.	:	DECISION ON APPLICATION
Application No. 12/111,914	:	FOR
Filed: 04/29/2008	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 23419-002001	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed November 9, 2011. Applicants request that the total applicant delay be corrected from two hundred forty-two (242) days to two hundred forty (240) days.

The request reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance is **DISMISSED**.

Applicants aver that the Office incorrectly calculated the period of applicant delay pursuant to 37 CFR 1.704(b) for the filing of a reply on August 3, 2011, as 60 days instead of 58 days. Specifically, applicants assert:

> A reply to an Office Action was due on or before June 6, 2011 (the date that is three months after March 4, 2011, the date on which the Office Action was mailed). Applicants filed a response to the Office Action on August 3, 2011. Applicants were accorded a delay of 60 days for a late response. Applicants respectfully submit that the PTO calculated delay from June 4, 2011, instead of June 6, 2011. As intended in 35 U.S.C. § 154(b)(2)(C)(ii), the three-month due date should be calculated from June 6, 2011, as June 4, 2011, falls over a weekend, and Applicants request that the Office recalculate this period of Applicant Delay as 58 days,

for delay from June 7, 2011, to August 3,2011. See 37 C.F.R. § 1.704(b).

Petition p. 2.

The Office has considered applicants' argument but does not find it persuasive. The Office correctly calculated the period of applicant delay pursuant to 35 U.S.C. § 154(b)(2)(C)(ii) and 37 CFR 1.704(b) as 60 days. The weekend/holiday exception does not apply to the period of applicant delay at issue. The Office mailed a non-final Office action on March 4, 2011, which set a shortened statutory period for reply of three (3) months with extensions of time obtainable under 37 CFR 1.136(a). It is recognized that the three-month deadline, June 4, 2011, ended on a Saturday. Therefore, a reply filed on Monday, June 6, 2011, would have been considered timely filed pursuant to 35 U.S.C. § 21(b). However, in this instance, applicants did not exercise the weekend exception under 35 U.S.C. § 21(b) allowing for the filing of a timely response under 35 U.C.S. § 133 on the next succeeding business day. Instead, applicants filed a timely reply on August 3, 2011, with an extension of time for response within second month. Thus, the reply filed August 3, 2011, was not timely filed under the provisions of 35 U.S.C. § 21(b). Accordingly, the period of reduction was properly calculated as 60 days counting the number of days beginning on the day after the date that is three months after the date of mailing of the Office action, June 5, 2011, and ending on the date the reply was filed, August 3, 2011. The period of reduction of 60 days will be retained.

The Office acknowledges the $200.00 fee set forth in 37 CFR 1.18(e).

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 applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Patent No. 8,073,012 :
Issued: December 6, 2011 :
Application No.: 12/111,969 : NOTICE
Filed: April 30, 2008 :
Attorney Docket No: **1291- 082.101** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED
JAN 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Khlat et al.	:	
Application No. 12/112,006	:	DECISION ON PETITION
Filed: April 30, 2008	:	
Attorney Docket No. 2867-522	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before October 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 19, 2010. Accordingly, the date of abandonment of this application is October 20, 2010. A Notice of Abandonment was mailed on October 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for processing into a patent.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GRAY ROBINSON, P.A.
P.O. BOX 2328
FT. LAUDERDALE FL 33303-9998

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Wolf, Roland	:	DECISION ON PETITION
Application No. 12/112,036	:	TO WITHDRAW
Filed: April 30, 2008	:	FROM RECORD
Attorney Docket No. 817580.2	:	

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 **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 not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

Further, the instant application became abandoned for failure to timely respond to the Office action mailed October 5, 2010. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). As such, any renewed Request to Withdraw as Attorney will not treated on the merits, but will only be placed in the application.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES 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 15, 2012

In re Application of :

Dawn SELG

Application No : 12112121

Filed : 30-Apr-2008

Attorney Docket No : 2004-000268-0001

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 15, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12112121
Filing Date	30-Apr-2008
First Named Inventor	Dawn SELG
Art Unit	2876
Examiner Name	DANIEL HESS
Attorney Docket Number	2004-000268-0001
Title	STORED-VALUE CARD WITH AUDIO CAPABILITIES

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ( ) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- (●) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/JOANN M. SEATON/
Name	JoAnn M. Seaton
Registration Number	55605

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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HOGAN LOVELLS US LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER CO 80202

MAILED

AUG 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniele Mangano, et al.	:	
Application No. 12/112,183	:	DECISION ON PETITION
Filed: April 30, 2008	:	
Attorney Docket No. 06-CT-448/DP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 8, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 8, 2010. Accordingly, the date of abandonment of this application is July 9, 2010. The Notice of Abandonment was mailed July 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036-4003

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Manfred REITER, et al	:	
Application No. 12/112,191	:	DECISION ON PETITION
Filed: April 30, 2008	:	
Docket No. 00518-105012	:	

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 reply in a timely manner to the non-final Office action mailed, March 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1648 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,202	04/30/2008	William H. EBY	1421-340	8810

32905 7590 10/15/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 1 5 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/112,202	: PETITION DECISION
Filed: April 30, 2008	:
Attorney Docket No.: **1421-340**	

This is in response to the petition under 37 CFR § 1.59(b), filed September 23, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 23, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,202	04/30/2008	William H. EBY	1421-340	8810

32905 7590 12/28/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/28/2010	ELECTRONIC

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DEC 2 8 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: William H. Eby Serial No.: 12/112,202 Filed: April 30, 2008 Attorney Docket No.: **1421-340**	: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 22, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 23, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,212	04/30/2008	William H. Eby	1421-341	8831

32905 7590 10/15/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

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JONDLE & ASSOCIATES P.C. OCT 1 5 2010
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/112,212	: PETITION DECISION
Filed: April 30, 2008	:
Attorney Docket No.: **1421-341**	

This is in response to the petition under 37 CFR § 1.59(b), filed September 23, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 24, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,212	04/30/2008	William H. Eby	1421-341	8831

32905 7590 01/25/2011
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
01/25/2011	ELECTRONIC

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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.: 12/112,212	:
Filed: April 30, 2008	:
Attorney Docket No.: **1421-341**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 24, 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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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Patent No. 7,632,825 :
Issue Date : December 15, 2009 :
Application No. 12/112,213 : ON PETITION
Filed: April 30, 2008 :
Attorney Docket No. 9442-26CT2 :

This is a decision on the petition, filed November 3, 2010, 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.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

---

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

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PO BOX 37428
RALEIGH NC 27627

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,632,825	:	
Issue Date : December 15, 2009	:	
Application No. 12/112,213	:	ON PETITION
Filed: April 30, 2008	:	
Attorney Docket No. 9442-26CT2	:	

This is a decision on the petition, filed August 24, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,223	04/30/2008	William H. Eby	1421-349	8848

32905 7590 10/15/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 1 5 2010

In re Application of:
William H. Eby
Serial No.: 12/112,223
Filed: April 30, 2008
Attorney Docket No.: **1421-349**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 23, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 23, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,223	04/30/2008	William H. Eby	1421-349	8848

32905 7590 12/28/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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JondleOA@jondlelaw.com

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DEC 2 8 2010

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.: 12/112,223	:
Filed: April 30, 2008	:
Attorney Docket No.: **1421-349**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 22, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 23, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,235	04/30/2008	Dennis L. Schultze	1423-114	8873

32905 7590 12/08/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
12/08/2010	ELECTRONIC

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DEC 0 8 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Dennis L. Schultze	:
Serial No.: 12/112,235	: PETITION DECISION
Filed: April 30, 2008	:
Attorney Docket No.: **1423-114**	

This is in response to the petition under 37 CFR § 1.59(b), filed September 23, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 23, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,235	04/30/2008	Dennis L. Schultze	1423-114	8873

32905 7590 01/25/2011
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
O HARA, EILEEN B

ART UNIT	PAPER NUMBER
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01/25/2011	ELECTRONIC

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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	PETITION DECISION
Serial No.: 12/112,235	
Filed: April 30, 2008	
Attorney Docket No.: **1423-114**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 24, 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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MARSHALL, GERSTEIN & BORUN (BAXTER)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of	:	
REITER et al	:	
Application No. 12/112,261	:	DECISION GRANTING PETITION
Filed: April 30, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 31315/458	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/112,312	04/30/2008	Dustin R. Jensen	END-6302	8995

21884 7590 11/09/2010
WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
LUU, LE HIEN

ART UNIT	PAPER NUMBER
2448	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

NOV 09 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Howard N. Fishman
WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of: JENSEN, Dusting R. et. al.
Application No. **12/112,312**
Attorney Docket No. END-630208
Filed: April 30, 2008
For: INTERACTIVE WEB DASED SYSTEM IN SUPPORT OF BARIATRIC PROCEDURES

DECISION ON PETITION TO RESET PERIOD FOR REPLY FILED UNDER MPEP §710.06

This is a decision on the petition filed 09/16/2010 under MPEP §710.06, requesting that the Non-Compliant Amendment mailed 07/26/10 be reissued and the corresponding shortened statutory period for response be restarted, due to the lost of a substantial portion of the period for response.

This petition is hereby **DISMISSED AS MOOT**.

Petitioner's furnished evidence showing non-receipt of the Notice of Non-Compliant amendment at the corresponding address of record including docketing document have been fully considered. However, response to non-compliant amendment has been already filed (09/21/10), accompanied by a set of drawings which identified in the top margin as "Replacement Sheet" as required by 37 CFR 1.12(d). No extension of time available under 37 CFR 1.136(as) has been charged.

Petitioners request to reissued Non-Compliant Amendment mailed 07/26/10 and the corresponding shortened statutory period for response be restarted, is **dismissed as moo**t.

Applicant will be forwarded to examiner to treatment of response to non-final mailed 03/30/10.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/112,314	04/30/2008	ALAN J. SCHUNEMANN	307565-000019	9001

47604 7590 12/20/2011
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER
GOLDBERG, IVAN R

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
12/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC 2 0 2011

Lisa K. Norton
DLA Piper US LLP
P.O. BOX 2758
Reston, VA 20195

In re Application of
Alan J. Schunemann
Serial No.: 12/112,314 :
Filed: April 30, 2008 :
For: METHOD AND SYSTEM FOR ACTIVITY MONITORING AND FORECASTING :

DECISION ON PETITION UNDER 37 CFR 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 CFR 1.84(a)(2), filed September 15, 2008, requesting acceptance of color drawings. The petition requests that the color drawings, specifically identified as the color drawing in Figures 3, 4, 5a, 5b, and 6, be accepted in lieu of black and white drawings.

The petition is **GRANTED.**

A grantable petition under 37 CFR 1.84(a)(2) must be accompanied by a fee set forth under 37 CFR 1.17(h), three (3) sets of the color drawings in question, and an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

This petition properly includes:

(i) The fee set forth in § 1.17(h);
(ii) Three (3) sets of the color drawings in question;
(iii) An amendment to the specification to insert the appropriate language as the first paragraph of the brief description of the drawings.

Applicant is requesting the acceptance of color drawings because color drawings are the only practical medium by which to disclose the subject matter sought to be patented in Figures 3, 4, 5a, 5b, and 6.

The criteria for accepting color drawings in a patent application is set forth in MPEP 608.02 and 37 C.F.R. 1.84(a)(2):

> 37 C.F.R Section 1.84, Standards for Drawings, sets forth the following:
>
> § 1.84 Standards for drawings.
> (a) Drawings . There are two acceptable categories for presenting drawings in utility and design patent applications.
> (1) Black ink . Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or
> (2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:
> (i) The fee set forth in § 1.17(h);
> (ii) Three (3) sets of color drawings;
> (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In the instant application, it is found that color drawings are the only practical medium for disclosing the subject matter to be patented in Figures 3, 4, 5a, 5b, and 6. Furthermore, Applicant's petition includes the fee set forth in 37 CFR § 1.17(h), three (3) sets of color drawings with respect to Figures 3, 4, 5a, 5b, and 6, and an amendment to the specification to insert certain language as the first paragraph of the brief description of the drawings as set forth in § 1.84(a)(2)(iii). Therefore, the color drawings of Figures 3, 4, 5a, 5b, and 6 have been accepted.

Any questions regarding this decision should be directed to Beth V. Boswell, Supervisory Patent Examiner, at (571) 272-6737.

The petition is **GRANTED**.

BVBoswell

Beth V. Boswell
Supervisory Patent Examiner
Technology Center 3600, Art Unit 3623
(571) 272-6737

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THE FARRELL LAW FIRM, P.C.
290 BROADHOLLOW ROAD
SUITE 210E
MELVILLE NY 11747

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of	:	
Yong-Jun Kwak et al	:	
Application No. 12/112,376	:	DECISION GRANTING PETITION
Filed: April 30, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 678-3497	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 26, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 19, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : July 9,2011

In re Application of :

Steven Rennich

Application No : 12112421

Filed : 30-Apr-2008

Attorney Docket No : ATS001

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 9,2011

The request is **APPROVED.**

The request was signed by Amir H. Raubvogel (registration no. 37070) on behalf of all attorneys/agents associated with Customer Number 48384 . All attorneys/agents associated with Cusotmer Number 48384 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Steven Carl Rennich
Name2	
Address 1	3850 West Naughton Avenue
Address 2	
City	Belmont
State	CA
Postal Code	94002
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12112421
Filing Date	30-Apr-2008
First Named Inventor	Steven Rennich
Art Unit	3684
Examiner Name	RICHARD SCHEUNEMANN
Attorney Docket Number	ATS001
Title	COLLECTING AND PROVIDING INFORMATION ABOUT VENDORS, PRODUCTS AND SERVICES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48384

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Steven Carl Rennich
Address	3850 West Naughton Avenue
City	Belmont
State	CA
Postal Code	94002
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amir H. Raubvogel/
Name	Amir H. Raubvogel
Registration Number	37070

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WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MASSACHUSETTS 02210-2206

Applicant: Robert A. Snell, et al.
Appl. No.: 12/112,443
Filing Date: April 30, 2008
Title: ARTIFICIAL SPINAL DISC IMPLANT
Attorney Docket: R0620.70014US01
Pub. No.: US 2009/0270988 A1
Pub. Date: October 29, 2009

MAILED
AUG 10 2010
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 02, 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 September 2, 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 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.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant did not file a substitute specification in compliance with 37 CFR 1.125 or file a copy of the application in compliance with the Office electronic filing systems requirements, which are set forth in the EFS Legal Framework.

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.

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 2, 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 guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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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DIW May-11

SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Charles W. Free	:	DECISION ON PETITION
Application Number: 12/112,446	:	
Filing Date: 04/30/2008	:	
Attorney Docket Number: INSI	:	
4402-US	:	

This is a decision in reference to the "PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION" filed on April 12, 2011.

The petition is **GRANTED**.

The application was held abandoned on November 4, 2010, for failure to timely submit a response to the non-final Office action mailed on August 3, 2010, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on February 17, 2011.

Petitioner asserts that the non-final Office action was never received because it was mailed to an old correspondence address. Specifically, petitioner asserts that a revocation and new power of attorney and change of correspondence address was filed on May 7, 2010, but that the non-final Office action mailed on August 3, 2010, was mailed to the old correspondence address.

A review of the record reveals that on May 7, 2010, a revocation and new power of attorney and change of correspondence address, changing the correspondence address to the address associated with Customer Number 00321, was filed. On August 3, 2010, the non-final Office action was mailed to the old correspondence address, that associated with Customer Number 72535. On November 30, 2010, an N570 Notice of Acceptance of Power of Attorney was mailed, stating that the power of attorney was accepted and that correspondence would be mailed to the new correspondence address.

As such, the showing of record is that the non-final Office action mailed on August 3, 2010, was not mailed to the correct

address because of an Office delay in entering the revocation and new power of attorney and change of correspondence address.

The petitioner has made a sufficient showing of nonreceipt of the non-final Office action. As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

As the present petition was not necessitated by an error on the part of petitioner, no fee is due.

The petition is **GRANTED.**

The application file is being referred to the Technology Center Art Unit 3677 for remailing of the non-final Office action mailed on Notice of Allowance and Fee(s) Due mailed on August 3, 2010. The period for reply will be reset from the mailing date thereof.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/112,487	04/30/2008	Myron I. Kuhlman	WESI/0003	9301

26290 7590 11/29/2011
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER
DITRANI, ANGELA M

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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NOV 2 8 2011

PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

In re Application of Myron I. Kuhlman
Appl. No.: 12/112,487
Filed: July 21, 2008
For: METHOD FOR INCREASING THE RECOVERY OF HYDROCARBONS

DECISION ON PETITION UNDER 37 CFR 1.84(a)(2) TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 CFR § 1.84(a)(2), filed July 21, 2008, to accept color photographs.

The Petition is **Granted.**

A petition under 37 CFR 1.84(a) (2) must contain:

(A) An explanation why the color drawings are necessary;

(B) The fee set forth in §1.17(h);

(C) Three (3) sets of color drawings;

(D) An amendment to the specification to insert the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition includes all of items (A)-(D).

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-7026.

Thomas Shane Bomar
Supervisory Patent Examiner
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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POLANSKY & ASSOCIATES, P.L.L.C.
12117 FM 2244 3-160
AUSTIN TX 78738

MAILED
FEB 29 2012
OFFICE OF PETITIONS

In re Application of	:	
Rozich et al.	:	DECISION ON PETITION
Application No. 12/112,537	:	TO WITHDRAW
Filed: April 30, 2008	:	FROM RECORD
Attorney Docket No. 3025.006US1	:	

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 6, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Paul J. Polansky on behalf of all attorneys/agents of record who are associated with Customer Number 89320. All attorneys/agents associated with Customer Number 89320 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Innography, Inc., at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: INNOGRAPHY, INC.
1221 S. MOPAC EXPY., SUITE 250
AUSTIN TX 78746

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Charles H Jew
236 West Portal Avenue
Suite 533
San Francisco CA 94127

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Ping-Wen Yen et al.	:	
Application No. 12/112,623	:	DECISION ON PETITION
Filed: April 30, 2008	:	
Attorney Docket No. CPCTW 1008US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed March 11, 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 June 12, 2009. A Notice of Abandonment was mailed on December 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on August 11, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received August 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 29,2011

In re Application of :

Steven Hutcheson

Application No : 12112776

Filed : 30-Apr-2008

Attorney Docket No : 35538-501001 US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed August 29,2011

The request is **APPROVED**

The request was signed by 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

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12112776
Filing Date	30-Apr-2008
First Named Inventor	Steven Hutcheson
Art Unit	1654
Examiner Name	AMBER STEELE
Attorney Docket Number	35538-501001 US
Title	CARBOHYDRASE EXPRESSION DURING DEGRADATION OF WHOLE PLANT MATERIAL BY SACCHAROPHAGUS DEGRADANS

◉ 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

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 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

WOMBLE CARYLE SANDRIDGE
& RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of	:	
GRACE	:	
Application No. 12/112,842	:	DECISION ON PETITION
Filed: April 30, 2008	:	TO WITHDRAW
Attorney Docket No. 5270	:	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 4, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to John J. Timar and the attorneys associated with Customer No. 26158, has been revoked by the assignee of the patent application on April 28, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BEYONDVIA TECHNOLOGIES
400 PERIMETER CENTER NORTH, SUITE 60
ATLANTA GA 30346

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110707

DATE : December 03, 2010

TO SPE OF : ART UNIT 1642

SUBJECT : Request for Certificate of Correction on Patent No.: 7,824,660

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/28/11

TO SPE OF : ART UNIT: 2892 Attn: LE THAO X (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/113030 Patent No.: 8030665

CofC mailroom date: 12/20/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check claim 7
For the requested change in dependency of claim

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Tom Thomas
SPE

2893
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TASER INTERNATIONAL, INC.
17800 N. 85TH STREET
SCOTTSDALE, AZ 85255-9603

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Application of Brundula et al. :
Application No. 12/113,077 : Decision on Petition
Filing Date: April 30, 2008 :
Attorney Docket No. 101.00249 :

This is a decision on the petition under 37 CFR 1.137(b) filed February 10, 2012, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed November 8, 2011 which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on Tuesday, February 10, 2012.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of payment of the issue fee, (2) the required petition fee of $930, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

The Office of Data Management will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/113,078	04/30/2008	Gopichandra Surnilla	81169087	1327

36865 7590 08/13/2010
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
HAMAOUI, DAVID E

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of:
SURNILLA, GOPICHANDRA et al
Serial No. 12/113,078
Filed: April 30, 2008
Docket: 81169087
Title: FEED-FORWARD CONTROL IN A FUEL DELIVERY SYSTEM & LEAK DETECTION DIAGNOSTICS

DECISION ON PETITION UNDER 37 CFR § 1.144

This is a decision on the petition filed July 20, 2010 under 37 CFR 1.181 requesting withdrawal of the restriction requirement of November 30, 2009. 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 as moot.**

In the petition, petitioner argues that the examiner's election of species was improper. The examiner failed to provide an explanation and examples why clams do not overlap. The examiner did not explain why a serious burden in search would be experienced if restriction is not required. Therefore, petitioner concludes that the restriction requirement under MPEP § 806.05(j) should be withdrawn.

A review of the relevant records shows the applicant has substantively amended the elected claims 1-3 and 15-17 in the Rule 111 amendment filed on July 1, 2010. With the amendment to the claims, the original restriction requirement of November 30, 2009 is no longer applicable. However, the review of the original restriction requirement also shows that the examiner did not provide a clear explanation why and how the disclosed and claimed inventions are independent or distinct related inventions. The examiner failed to provide examples in the restriction requirement to establish distinctness or independence. Therefore, the restriction requirement promulgated on November 30, 2009 is complete and does not fully comply with applicable sections of MPEP § 806.05(j).

In view of the substantive amendment to the elected claims, the original restriction requirement of November 30, 2009 is no longer applicable. The requested relief can not be granted. In view

of the deficiency of the original restriction requirement of November 30, 2009, the restriction requirement is hereby withdrawn. The examiner is directed to either 1). totally withdraw the restriction and examine all claims in the case or 2). provide a complete restriction requirement based on the current claims presented in the July 1, 2010 Rule 111 amendment in accordance with MPEP § 806.05(j).

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3747 for preparation of an Office action in response to the applicant's amendment filed on July 1, 2010 consistent with this decision. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS MOOT.

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Patent No. 8,051,196	:	
Ryan Ruppert	:	
Issue Date: November 1, 2011	:	DECISION ON APPLICATION
Application No. 12/113,153	:	FOR
Filed: April 30, 2008	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 83336.1677(M)	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed November 9, 2011, requesting reconsideration of the initial determination of patent term adjustment under 35 U.S.C. 154(b) of 431 days.

The application for patent term adjustment under § 1.705(b) is **DISMISSED AS UNTIMELY FILED**.

Patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

35 U.S.C. 154(b) provides for patent term adjustment for examination delay. Pursuant to 35 U.S.C. 154(b)(3)(B) and implementing regulation 37 C.F.R. § 1.705, an applicant shall receive an initial determination of patent term adjustment with the mailing of the Notice of Allowance and shall be given one

opportunity to request reconsideration of that determination by way of filing of an application for patent term adjustment prior to the payment of the issue fee.

On August 19, 2011, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 431 days. This determination was based in part on an assessment of applicant delay of 30 days. No filing of an application for patent term adjustment preceded the payment of the issue fee. Accordingly, it is appropriate to dismiss this petition as untimely filed under 1.705(b).

Consideration under 1.705(d) is not appropriate. As stated in MPEP 2730, 1.703(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

The issues raised should have been timely raised on application for patent term adjustment under § 1.705(b).

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/113,163	Filing date:	April 30, 2008
First Named Inventor:	Konstantin I. PENANEN		
Title of the Invention:	GEOMETRIES FOR SUPERCONDUCTING SENSING COILS FOR SQUID-BASED SYSTEMS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/062120

The international filing date of the corresponding PCT application(s) is/are: April 30, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/113,163
First Named Inventor:	Konstantin I. PENANEN

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 July 23, 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 July 23, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	US claim amended to remove dependency on claims 2 and 3
5	5	US claim amended to remove dependency on claims 2-4
6	6	Identical
7	7	Identical
8	8	Identical
9	9	US claim amended to remove dependency on claims 2-4
10	10	Identical
11	11	Identical
12	12	Identical
13	13	Identical
14	14	Identical
15	15	US claim amended to remove dependency on claim 14
16	16	Identical
17	17	Identical
18	18	Identical
19	19	US claim amended to remove dependency on claims 17 and 18

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinfl Reg. No. 56,448/	Date December 17, 2010
Name (Print/Typed) Alessandro Steinfl	Registration Number 56,448

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.
12/113,163	04/30/2008	Konstantin I. PENANEN	P183-US	1496

72932 7590 02/02/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
BENITEZ, JOSHUA

ART UNIT	PAPER NUMBER
2858	

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.

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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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of
PENANEN et al.
Application No.: 12/113,163
Filed: 30 April 2008
Attorney Docket No.: P183-US
For: GEOMETRIES FOR SUPERCONDUCTING SENSING COILS FOR SQUID-BASED SYSTEMS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 17 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, 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.

Conditions (1-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (7).

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing JP 08-313609 and JP 03-042588 which were cited by the PCT examiner in the international work product and provided copies of documents. The citation of patent family documents does not satisfy this requirement.

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) using the document description: Petition to make special under PCT – 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 Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Konstantin I. PENANEN et al.	Examiner: Joshua BENITEZ
Serial No.:	12/113,163	Art Unit: 2858
Filed:	April 30, 2008	Our Ref: P183-US
For:	GEOMETRIES FOR SUPERCONDUCTING SENSING COILS FOR SQUID-BASED SYSTEMS	Date: February 11, 2011
		Re: ***Response to Decision on Request to Participate in the PCT Patent Prosecution Highway Pilot Program and Petition to Make Special Under 37 CFR 1.102(d)***

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PCT PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This letter is filed as a response to the USPTO Decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program mailed by the USPTO on February 2, 2011.

In the Decision, the USPTO notes that Applicant's request to participate in the PCT-PPH pilot program fails to meet condition (7).

Applicants submit herewith an Information Disclosure Statement directed to meeting the above condition.

Condition (7)

In the Decision, the USPTO states that "*(r)egarding the requirement of condition (7), applicant has failed to submit an IDS listing JP 08-313609 and JP 03-042588 which were cited by the PCT examiner in the international work product and provided copies of documents. The citation of patent family documents does not satisfy this requirement*".

Accordingly, the Applicants submit herewith an Information Disclosure Statement listing the aforementioned Japanese patent documents. It is submitted that the submission of this IDS satisfies condition (7) and that the Applicant's request and petition should be granted.

The Applicants believe that no fee is due in connection with the submission of the present paper. However, the Commissioner is authorized to charge any additional fee which may be required or credit overpayment to deposit account no. 50-4194. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-4194. Please ensure that the Attorney Docket Number is referred to when charging any payments or crediting any overpayments for this case.

I hereby certify that this correspondence is being electronically filed on February 11, 2011 by Richard Yo.

/Richard Yo/

Respectfully submitted,

/Alessandro Steinfl Reg. No. 56,448/

Alessandro Steinfl
Attorney for Applicants
Reg. No. 56,448
Customer No.: 72932
STEINFL & BRUNO
301 N. Lake Avenue, Suite 810
Pasadena, CA 91101
Telephone: (626) 792-0536
Fax: (626) 792-1342

Encl: Information Disclosure Statement (3 pages)
JP 08-313609 (9 pages)
JP 03-042588 (6 pages)

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.
12/113,163	04/30/2008	Konstantin I. PENANEN	P183-US	1496

72932 7590 02/25/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
BENITEZ, JOSHUA

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
02/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of
PENANEN et al.
Application No.: 12/113,163
Filed: 30 April 2008
Attorney Docket No.: P183-US
For: GEOMETRIES FOR SUPERCONDUCTING SENSING COILS FOR SQUID-BASED SYSTEMS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 17 December 2010 and renewed on 11 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIO INTELLECTUAL PROPERTY SERVICES (BIO IPS) LLC
8509 KERNON CT.
LORTON, VA 22079

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Hartley C. ATKINSON	:	
Application No. 12/113,171	:	DECISION ON PETITION
Filed: April 30, 2008	:	UNDER 37 CFR 1.181
Attorney Docket No. **P1755 US**	:	

This is a decision on the petition, filed December 1, 2010, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of March 30, 2010, which set a three (3) month shortened statutory period for reply. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before October 1, 2010.

Petitioner states that a timely reply was electronically filed on September 30, 2010, which included the following papers: a three (3) month extension of time and request for continuing application. Petitioner has submitted a copy of the previously filed correspondence, which bears an electronic mailing dated of September 30, 2010, which rendered the reply timely.

The petition satisfies the requirements of 37 CFR 1.181. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of March 30, 2010 is hereby **withdrawn**.

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. 12/924,812.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
SYED, et al	:	
Application No. 12/113,177	:	DECISION ON PETITION
Filed: April 30, 2008	:	TO WITHDRAW
Attorney Docket No. BOBJ-206/00US 304661-2459	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED.**

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Tomoya DEGUCHI, et *al.*	:	
Application No. 12/113,235	:	DECISION GRANTING PETITION
Filed: May 1, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SN-US085086**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 on February 17, 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 3654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
SEP 24 2010
OFFICE OF PETITIONS

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

In re Application of:	:	
Pereira et al.	:	
Application No. 12/113305	:	DECISION DISMISSING
Filing or 371(c) Date: 05/01/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
DISPERSED METAL SULFIDE-BASED	:	
CATALYSTS	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. 1.47(a), filed August 24, 2010, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

The application was filed on May 1, 2008, without an oath/declaration. In response, the Office mailed a Notice to File Missing Parts of Nonprovisional Application on May 20, 2008, requiring, *inter alia*, a properly executed oath/declaration.

Applicant filed a petition under 37 CFR 1.47(a), and provided that two inventors, Pedro Pereira and José Córdova, have not signed the declaration. Applicant provided an email from inventor Pereira evidencing inventor Pereira's refusal to join in the application. As to inventor Córdova, Applicant provided that Applicant had made diligent effort, but inventor Córdova refused to sign the application.

The petition was dismissed in a Decision mailed June 24, 2010, for failing to meet the requirements of a grantable petition under 37 CFR 1.47(a).

The present request for reconsideration

Petitioner files the present request for reconsideration and includes an oath/declaration executed by inventor Córdova. However, a review of the oath/declaration filed September 12, 2008, and with the present request for reconsideration reveal that the citizenship of inventor Pereira has not been provided.

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), 35 U.S.C. § 115 requires the oath or declaration identify the country of citizenship of each inventor. An oath or declaration which includes the citizenship of the inventor Pereira is required.

The petition is dismissed without prejudice. Applicant is advised to file a Request for Reconsideration of Petition and include an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116.

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.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of:	:	
Pereira et al.	:	
Application No. 12/113305	:	DECISION GRANTING
Filing or 371(c) Date: 05/01/2008	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
DISPERSED METAL SULFIDE-BASED	:	
CATALYSTS	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. 1.47(a), filed October 6, 2010, and supplemented November 8, 2010, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Pedro Pereira, cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this reissue application will also be published in the Official Gazette.

The application file is being referred to Technology Center Art Unit 1732 for examination in the normal course of business.

Telephone inquiries related to this decision may 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

MR. PEDRO PEREIRA
OCIT BUILDING, ROOM 220
2500 UNIVERSITY DRIVE, NW
CALGARY T2N 1N4
CANADA

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of:	:	
Pereira et al.	:	
Application No. 12/113305	:	LETTER
Filing or 371(c) Date: 05/01/2008	:	
Title of Invention:	:	
DISPERSED METAL SULFIDE-BASED	:	
CATALYSTS	:	

Dear Mr. Pereira:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

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.
12/113,310	05/01/2008	Kevin Threlkeld	S08-04RM822242	1778

30279 7590 01/03/2011
DANA REWOLDT
GARST SEED COMPANY
2369 330TH STREET
PO BOX 500
SLATER, IA 50244

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
01/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 0 3 2011

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:
Kevin Threlkeld
Serial No.: 12/113,310
Filed: May 1, 2008
Attorney Docket No.: **S08-04RM822242**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 9, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110623

DATE : June 05, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7718698

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 amendment to claim 1, column 20, line 3 adding free fatty acids expands the scope of the claims beyond that of what was previously examined in view of the fact that fatty acids inserted into claim 1 would not be further limited as recited in claim 4. Therefore, the change does not apply.

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

UNITED STATES PATENT AND TRADEMARK OFFICE

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 10/07/2010

Applicant	: Andrej Hochstein	: DECISION ON REQUEST FOR
Patent Number	: 7631635	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/113,383	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Issued Patent		1. Description of Discrepancy
Column	Line	
(Item 56) Page 5 Col. 1	57	Under Other Publications, change "Senso" to --Sensor--.
(Item 56) Page 5 Col. 2	39	Under Other Publications, change "Electronanalysis" to --Electroanalysis--.
(Item 56) Page 5 Col. 2	41	Under Other Publications, change "XIV" to --XLV--.
(Item 56) Page 5 Col. 2	50	Under Other Publications, change "Bromedical" to --Biomedical--.
(Item 56) Page 6 Col. 1	16	Under Other Publications, change "Monitoring" to --Monitoring in--.
(Item 56) Page 6 Col. 1	16	Under Other Publications, change "Diabetic" to --Diabetes--.
(Item 56) Page 6 Col. 2	3	Under Other Publications, change "111077,715." to --11/077,715.--.
(Item 56) Page 6 Col. 2	27	Under Other Publications, change "Thechnol." to --Technol.--.
(Item 56) Page 6 Col. 2	36	Under Other Publications, change "reliablity" to --reliability--.
(Item 56) Page 6 Col. 2	44	Under Other Publications, change "Hypoglycaemia-" to --Hypoglycemia---.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

(Item 56) Page 7 Col. 1	32	Under Other Publications, change "Membran," to --Membrane,--.
(Item 56) Page 7 Col. 2	51	Under Other Publications, change "artifical" to --artificial--.
(Item 56) Page 7 Col. 2	70	Under Other Publications, change "hypoglycaemic" to --hypoglycemic--.
(Item 56) Page 8 Col. 1	55	Under Other Publications, change "implntable," to --implantable,--.
(Item 56) Page 8 Col. 1	67	Under Other Publications, change "Enzymlology," to --Enzymology,--.
(Item 56) Page 8 Col. 2	3	Under Other Publications, change "artifical" to --artificial--.
(Item 56) Page 8 Col. 2	11	Under Other Publications, change "DuPont" to --DuPont[1]--.
(Item 56) Page 8 Col. 2	26	Under Other Publications, change "glocuse" to --glucose--.
(Item 56) Page 8 Col. 2	27	Under Other Publications, change "Diabetese" to --Diabetes--.
(Item 56) Page 8 Col. 2	45	Under Other Publications, change "Thechnol." to --Technol.--.
(Item 56) Page 8 Col. 2	50	Under Other Publications, change "Diabetese" to --Diabetes--.
(Item 56) Page 8 Col. 2	57	Under Other Publications, change "inactiviation" to --inactivation--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

(Item 56) Page 8 Col. 2	71	Under Other Publications, change "patents" to --patients--.
(Item 56) Page 9 Col. 1	28	Under Other Publications, change "Aniodic" to --Anodic--.
(Item 56) Page 9 Col. 1	72	Under Other Publications, change "activitiy," to --activity,--.
(Item 56) Page 9 Col. 2	13	Under Other Publications, change "Beioelectronics," to --Bioelectronics,--.
(Item 56) Page 9 Col. 2	14	Under Other Publications, change "glocuse" to --glucose--.
(Item 56) Page 9 Col. 2	23	Under Other Publications, change "valication" to --validation--.
(Item 56) Page 9 Col. 2	24	Under Other Publications, change "iunsulin interaaction in tyhpe 1" to --insulin interaction in type 1--.
(Item 56) Page 9 Col. 2	50	Under Other Publications, change "artifical" to --artificial--.
(Item 56) Page 9 Col. 2	59	Under Other Publications, change "amperometeric" to --amperometric--.
(Item 56) Page 9 Col. 2	66	Under Other Publications, change "Thechnol." to --Technol.--.
(Item 56) Page 10 Col. 1	19	Under Other Publications, change "termistor" to --thermistor--.
(Item 56) Page 10 Col. 1	20	Under Other Publications, change "metobolites," to --metabolites,--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

(Item 56) Page 10 Col. 1	24	Under Other Publications, change "Apllied" to --Applied--.
(Item 56) Page 10 Col. 2	16	Under Other Publications, change "Subcutaenous" to --Subcutaneous--.
(Item 56) Page 10 Col. 2	22	Under Other Publications, change "assitance" to --assistance--.
(Item 56) Page 10 Col. 2	23	Under Other Publications, change "Thechnol." to --Technol.--.
(Item 56) Page 10 Col. 2	43	Under Other Publications, change "Aced" to --Acad--.
(Item 56) Page 10 Col. 2	60	Under Other Publications, change "pancrease" to --pancreas--.
(Item 56) Page 10 Col. 2	67	Under Other Publications, change "Thechnol." to --Technol.--.
(Item 56) Page 11 Col. 1	9	Under Other Publications, change "Membrance" to --Membrane--.
(Item 56) Page 11 Col. 1	24	Under Other Publications, change "Deabetes" to --Diabetes--.
(Item 56) Page 11 Col. 1	35	Under Other Publications, change "Tranducers" to --Transducers--.
4	1	Change "11" to --11A--.
5	25	Change "andrenostenedione;" to --androstenedione;--.
5	40	Change "diptheria/" to --diphtheria/--.
5	47	Change "perioxidase;" to --peroxidase;--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

5	53	Change "phenyloin;" to --phenytoin;--.
6	1	Change "Trepenoma pallidium," to --Treponema pallidum,--.
6	2	Change "stomatis" to --stomatitis--.
6	23	Change "(barbituates," to --(barbiturates,--.
6	56	Change "and or" to --and/or--.
9	30-31	Change "signiying" to --signifying--.
17	34	Change "Bellafonte," to --Bellefonte,--.
22	29	Change "(EDC)))" to --(EDC))--.
24	43	Change "100%" to --~100%--.
25	12	Change "cyclosdextrin" to --cyclodextrin--.
25	12	Change "bisensors," to --biosensors,--.
27	19	Change "system" to --system.--.
28	36	Change "New York))" to --New York.--.
29	10	Change "PHEMA)," to --pHEMA),--.
29	17	Change "nintinol," to --nitinol,--.
33	36	Change "and or" to --and/or--.
36	51	Change "system" to --system.--.
41	26 (Approx.)	Change "and or" to --and/or--.
44	4	Change "AD" to --A/D--.
61	10	Change "by" to --be--.
65	3	Change "LEVELS."." to --LEVELS".--.
65	58	Change "in" to --in^2--.
72	39	Change "AT" to --A1--.
77	12	Change "50/l" to --50/1--.
77	13	Change "200/l" to --200/1--.
77	14	Change "100/l" to --100/1--.
77	15	Change "200/l" to --200/1--.
77	16	Change "150/l" to --150/1--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,771,352
APPLICATION NO. : 12/113,508
ISSUE DATE : August 10, 2010
INVENTOR(S) : Shults, et al.

77	16	Change "200/l" to --200/1--.
81	42	In Claim 1, change "to" to --up to--.
81	52	In Claim 4, after "concentration" delete "of".
81	56 (Approx.)	In Claim 5, after "concentration" delete "of".

10173411:JSJ
121610

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.063C2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110110

DATE : December 27, 2010

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,771,352

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Charles A Marmor, II/
Supervisory Patent Examiner.Art Unit 3735

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.
12/113,545	05/01/2008	Yoshiki Noro	ISO-18310	1239

40854 7590 08/11/2010
RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

EXAMINER
NOLAN, PETER D

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
08/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

40854@rankinhill.com
spaw@rankinhill.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 10 2010

RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY OH 44094-7808

In re application of Noro et al. Application No. 12/113545 Filed: May 01, 2008 For: ELECTRIC MIRROR CONTROL DEVICE AND ELECTRIC MIRROR CONTROL METHOD	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 16, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/09/10

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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OPTIMAL INNOVATIONS, INC.
1001 West 4th St.
Winston-Salem NC 27101

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
ROLAND SCHOETTLE
Application No. 12/113,657
Filed: May 1, 2008
Attorney Docket No. **74268/P027US/10704961**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Michael T. Morlock on behalf of all attorneys of record who are associated with Customer Number 84373.

All attorneys/agents associated with Customer Number 84373 application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee Optimal innovations, Inc. at the address list listed in the request.

There is currently no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Optimal Innovation, Inc.
801 Jones Franklin Rd.
Suite 210
Raleigh, NC 27606

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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QWEST COMMUNICATIONS INTERNATIONAL INC.
1801 CALIFORNIA STREET, # 900
DENVER CO 80202

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of	:	
Shekhar GUPTA	:	
Application No. 12/113,671	:	DECISION ON PETITION
Filed: May 01, 2008	:	
Attorney Docket No. 020367-003050US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed September 20, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $1,860.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management for processing into a patent.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED
SEP 15 2010
OFFICE OF PETITIONS

Applicant: Nelson, et al.
Appl. No.: 12/113,693
Filing Date: May 1, 2008
Title: CONNECTOR FOR RAINING SYSTEMS
Attorney Docket No.: 017222-000086
Pub. No.: US 2009/0272957 A1
Pub. Date: November 5, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 15, 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 on the front page of the publication wherein the spelling of the assignee's city is incorrect and an error in claim 29.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor on the front page of the publication with respect to the incorrect spelling of the assignee's city is not an Office error, the city is printed as it appears in the ADS filed with the application on May 1, 2008. With respect to the error in claim 29 wherein the word "resilient" is misspelled as "resident" maybe Office error but it is not a material Office error under 37 CFR 1.221(b). The error is clearly grammatically incorrect, thus one of ordinary skill in the art would understand the nature of the typographical error and would not be misled as to the scope of the claim. Furthermore, the misprinting of the assignee's city and the typo in claim 29 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

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the 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.

On May 20, 2008 and July 21, 2008, a Filing Receipt was mailed by the Office, which improperly listed the assignee's city. 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/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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: 1119974	Application Number (if known): 12/113,705	Filing date: 05-01-2008

First Named Inventor: John Paul MORGAN

Title: Light-Guide Solar Panel and Method of Fabrication Thereof

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary amendment

Signature /Jonathan D. Cutler/	Date 2010-10-01
Name (Print/Typed) Jonathan D. Cutler	Registration Number 40576

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

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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.
12/113,705	05/01/2008	John Paul Morgan	1119974	1562

92086 7590 10/21/2010
Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal, QC H3B4W5
CANADA

EXAMINER
CHERN, CHRISTINA

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
10/21/2010	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):

ipmtl@osler.com

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www.uspto.gov

Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal QC H3B4W-5 CA CANADA

OCT 21 2010

In re Application of	:	
John P. Morgan	:	DECISION ON PETITION
Application No. 12/113,705	:	TO MAKE SPECIAL UNDER
Filed: May 01, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1119974	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 03, 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 7 in the Requirements section of the Notice, 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 early 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 1725 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Keith Watson et al	:	
Application No. 12/113,718	:	DECISION ON PETITION
Filed: May 1, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 150070.403D3	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment and Application Data Sheet filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35

U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an amendment deleting the incorporation by reference statement to prior filed application no. 11/559,242, should be submitted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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SEED INTERNATIONAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of
Keith Watson et al
Application No. 12/113,718
Filed: May 1, 2008
Attorney Docket No. 150070-403D3

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition filed October 25, 2020, which is being treated under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed 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 application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1624 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/113,718	05/01/2008	1624	1980	150070.403D3	33	14

CONFIRMATION NO. 1587

CORRECTED FILING RECEIPT

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

OC000000044395715

Date Mailed: 11/08/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Keith Watson, Surrey Hills, AUSTRALIA;
Guy Krippner, Glen Waverley, AUSTRALIA;
Pauline Stanislawski, Craigieburn, AUSTRALIA;
Darryl McConnell, Wien, AUSTRIA;

Assignment For Published Patent Application

BIOTA SCIENTIFIC MANAGEMENT PTY. LTD., Notting Hill, AU

Power of Attorney: The patent practitioners associated with Customer Number 00500

Domestic Priority data as claimed by applicant

This application is a DIV of 11/559,242 11/13/2006 PAT 7,579,465
which is a DIV of 10/450,005 10/17/2003 PAT 7,166,604
which is a 371 of PCT/AU01/01627 12/18/2001

Foreign Applications

AUSTRALIA PR2137/00 12/18/2000

If Required, Foreign Filing License Granted: 05/20/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/113,718**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

ANTIVIRAL AGENTS

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

In re Application of	:	
Gunnam, et al.	:	ON PETITION
Application No. 12/113,729	:	
Filed: May 1, 2008	:	
Attorney Docket No. **2238-03900**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON, DC 20375-5320

Mail Date: 10/07/2010

Applicant	: Nicholas Lagakos	: DECISION ON REQUEST FOR
Patent Number	: 7646946	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/113,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **34** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OPTIMAL INNOVATIONS, INC.
1001 West 4th St.
Winston-Salem NC 27101

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
ROLAND SCHOETTLE
Application No. 12/113,754
Filed: May 1, 2008
Attorney Docket No. **742468/P028US/10704962**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 2010.

The request is **NOT APPROVED**.

The request still cannot be approved at this time because the change of correspondence address is still considered improper.

As stated in the previous decision mailed June 15, 2010, 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 the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Ammar et al.	:	DECISION ON PETITION
Application No. 12/113,778	:	TO WITHDRAW
Filed: May 1, 2008	:	FROM RECORD
Attorney Docket No. 025950-000410US	:	

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 1, 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 Barmak Sani, on behalf of all practitioners of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MEDIAPHY CORPORATION
2393 QUME DRIVE
SAN JOSE, CA 95131

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
12/113,778	05/01/2008	Nejib Ammar	025950-000410US

CONFIRMATION NO. 1704

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000044096254

Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Chang et al.	:	DECISION ON PETITION
Application No. 12/113,782	:	TO WITHDRAW
Filed: May 1, 2008	:	FROM RECORD
Attorney Docket No. 025950-000510US	:	

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 1, 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 Barmak Sani on behalf of all attorneys/agents of record who are associated with Customer Number 20350. All attorneys/agents associated with Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Mediaphy Corporation, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MEDIAPHY CORPORATION
2393 QUME DRIVE
SAN JOSE, CA 95131

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Fishel et al.	:	DECISION ON PETITION
Application No. 12/113,785	:	TO WITHDRAW
Filed: May 1, 2008	:	FROM RECORD
Attorney Docket No. 025950-000610US	:	

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 1, 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 Barmak Sani, on behalf of all practitioners of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MEDIAPHY CORPORATION
2393 QUME DRIVE
SAN JOSE, CA 95131

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
12/113,785	05/01/2008	Suzan Fishel	025950-000610US

CONFIRMATION NO. 1719

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000044093729

Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of
Chang, Yu-Wen (Evan)
Application No. 12/113,790
Filed: May 1, 2008
Attorney Docket No. 025950-000710US

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 1, 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 Barmak Sani on behalf of all attorneys/agents of record who are associated with Customer Number 20350. All attorneys/agents associated with Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Mediaphy Corporation, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: MEDIAPHY CORPORATION
2393 QUME DRIVE
SAN JOSE, CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Yu-Wen (Evan) Chang	:	DECISION ON PETITION
Application No. 12/113,794	:	TO WITHDRAW
Filed: May 1, 2008	:	FROM RECORD
Attorney Docket No. 025950-000720US	:	

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 1, 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 Barmak Sani, on behalf of all practitioners of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MEDIAPHY CORPORATION
2393 QUME DRIVE
SAN JOSE, CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/113,794	05/01/2008	Yu-Wen (Evan) Chang	025950-000720US

CONFIRMATION NO. 1734

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000044095961

Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of	:	
Stokes et al.	:	
Application No. 12/113,811	:	ON PETITION
Filed: 05/01/2008	:	
Attorney Docket No. END-6256USCIP2	:	

This is a decision on the request under 37 CFR 1.48(a) filed February 13, 2012, to correct the inventorship of the present nonprovisional application. This is also a decision on the petition under 37 CFR 1.78(a)(3) filed February 13, 2012, to accept an unintentionally delayed benefit claim under 35 U.S.C. 120 to prior-filed nonprovisional application.

The petition under 37 CFR 1.48(a) is **granted.**

The petition under 37 CFR 1.78(a)(3) is **granted.**

Petition under 37 CFR 1.48(a)

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part;

(3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (accompanied by a statement under 37 CFR 3.73(b)).

In view of the papers filed on petition, the Office concludes that the above-identified application, as filed, through error and without deceptive intent, improperly set forth the inventorship. As applicants have met the requirements of 37 CFR 1.48(a), the petition is **granted**.

The inventorship of this application has been changed to add Sean P. Conlon as a joint inventor. The Office of Petitions has added Mr. Conlon as a joint inventor in the USPTO computer records and printed a new bibliographic data sheet, which will be scanned into the Image File Wrapper.

Petition under 37 CFR 1.78(a)(3)

A petition for acceptance of an unintentionally delay claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed. The petition is **granted**.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim benefit of 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 benefit claim to the prior-filed nonprovisional application and reflects the requested correction of inventorship, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3767 for consideration by the Examiner of applicants' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional applications.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/113,811	05/01/2008	3767	1160	END-6256USCIP2	18	2

CONFIRMATION NO. 1766

CORRECTED FILING RECEIPT

21884
WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

OC000000053188225

Date Mailed: 03/16/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Michael J. Stokes, Cincinnati, OH;
Jason L. Harris, Mason, OH;
Mark S. Zeiner, Mason, OH;
Lawrence Crainich, Charlestown, NH;
Daniel E. Alesi, Lebanon, OH;
Sean P. Conlon, Loveland, OH;

Power of Attorney:

Philip Johnson--27200
Joseph Shirtz--31880
John Welsh--33621
Gerry Gressel--34342
Howard Flaxman--34595
Verne Kreger Jr--35231
Dean Garner--35877
Victor Moreno--40732

Domestic Priority data as claimed by applicant

This application is a CIP of 11/779,325 07/18/2007 ABN
and is a CIP of 11/609,401 12/12/2006 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/19/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/113,811**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

DEVICE FOR INSUFFLATING THE INTERIOR OF A GASTRIC CAVITY OF A PATIENT

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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GREENBERG TRAURIG LLP (LA)
c/o: Greenberg Traurig LLP Chicago Office
77 West Wacker Drive, Suite 3100
INTELLECTUAL PROPERTY DEPARTMENT
Chicago IL 60601

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Gregory D. Trimarche, et al.	:	DECISION ON PETITION
Application No. 12/113,820	:	TO WITHDRAW
Filed: May 1, 2008	:	FROM RECORD
Attorney Docket No. **036314.010101**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED
SEP 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Daniel Donicke	:	
Application No. 12/113,830	:	DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. 060.0071US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office correspondence mailed November 17, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is greater. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 18, 2009. A Notice of Abandonment was mailed on June 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 $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 3612 for appropriate action by the Examiner in the normal course of business on the reply received July 16, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel Donicke	:	
Application No. 12/113,830	:	CORRECTED DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. 060.0071US	:	

This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 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 Office correspondence mailed November 17, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is greater. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 18, 2009. A Notice of Abandonment was mailed on June 14, 2010.

The application became abandoned for failure to reply in a timely manner to the Office correspondence mailed November 17, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is greater. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 18, 2009. A Notice of Abandonment was mailed on June 14, 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).

As to item (1), a reply to the Office correspondence mailed November 17, 2009 has not been received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED
NOV 05 2010
OFFICE OF PETITIONS

In re Application of	:	
Daniel Donicke	:	
Application No. 12/113,830	:	DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. 060.0071US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 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 Office correspondence mailed November 17, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is greater. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 18, 2009. A Notice of Abandonment was mailed on June 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 $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 3612 for appropriate action by the Examiner in the normal course of business on the reply received October 19, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DIW Jun-11

TREYZ LAW GROUP
870 MARKET STREET, SUITE 984
SAN FRANCISCO CA 94102

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Mittleman et al.	:	
Application Number: 12/113,902	:	ON PETITION
Filing Date: 05/01/2008	:	
Attorney Docket Number:	:	
P6330US1	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 1, 2011, for failure to timely reply to the non-final Office action mailed on November 30, 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 June 9, 2011.

Receipt of the amendment filed on June 1, 2011 is acknowledged.

The application is referred to Technology Center Art Unit 2612 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOX ROTHSCHILD LLP
NEW YORK
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE NJ 08648

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Chicke Fitzgerald et al	:	
Application No. 12/113,911	:	DECISION ON PETITION
Filed: May 1, 2008	:	
Attorney Docket No. 52086-00001	:	

This is a decision on the renewed 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 petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed May 22, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FOX ROTHSCHILD LLP
NEW YORK
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE NJ 08648

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Chicke Fitzgerald et al	:	DECISION GRANTING STATUS
Application No. 12/113,911	:	UNDER 37 CFR 1.47(a)
Filed: May 1, 2008	:	
Attorney Docket No. 52086-00001	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 6, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of	:
CLAYPOOL	:
Application No. 12/113,941	:DECISION ON PETITION
Filed: May 1, 2008	: 37 CFR 1.137(b)
Attorney Docket No. CLA 4052001	:

This is a decision on the petition, filed March 23, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 29, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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 instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of accompanies this decision on petition.

This application is being referred to Technology Center 1775.

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

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/113,941	05/01/2008	Rick Claypool	CLA 4052001

CONFIRMATION NO. 2018

21909
CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS, TX 75202

NONPUBLICATION RESCISSION LETTER

OC000000048109884

Date Mailed: 06/09/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12114039
Filing Date	02-May-2008
First Named Inventor	Akira Mihara
Art Unit	2874
Examiner Name	KAJLI PRINCE
Attorney Docket Number	20014.196
Title	RECORDING APPARATUS AND METHOD, AND STORAGE MEDIUM STORING PROGRAM FOR DETECTING POSITION OF RECORDING PORTION

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	/Chris J. Fildes 32,132/
Name	Christopher J. Fildes
Registration Number	32132

UNITED STATES 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 2,2011

In re Application of :

Akira Mihara

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12114039

Filed : 02-May-2008

Attorney Docket No : 20014.196

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 2,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2874 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ostrolenk Faber LLP
1180 Avenue of the Americas
New York NY 10036

MAILED

JAN 1 0 2011

OFFICE OF PETITIONS

In re Application of	:	
Wai Wu et al.	:	
Application No. 12/114,053	:	DECISION ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. KMA 204.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before November 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 11, 2010. Accordingly, the date of abandonment of this application is November 13, 2010. A Notice of Abandonment was mailed on December 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee 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 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
DIW Mar-11

LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of :
Royce-Winston et al. :
Application Number: 12/114,055 :
Filing Date: 05/02/2008 :
Attorney Docket Number: 0622-03CIP :

ON PETITION

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 January 23, 2010, for failure to properly reply to the non-final Office action mailed on October 22, 2009, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A reply in the form of a Terminal Disclaimer was filed on August 6, 2010, but was an untimely reply. Notice of Abandonment was mailed on December 16, 2010.

Receipt of the previously filed reply received on August 6, 2010, is acknowledged.

The application is referred to Technology Center Art Unit 2887 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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OCT 08 2010

OFFICE OF PETITIONS

ROBERT J. SAYFIE, P.C.
161 OTTAWA AVENUE NW, SUITE 407
GRAND RAPIDS, MI 49503

In re Application of	:	
Phillip Bevelacqua	:	
Application No. 12/114,094	:	ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. PA8-3491	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 18, 2009, 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) were obtained. Accordingly, the above-identified application became abandoned on November 19, 2009.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3632 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/114109	Filing date:	02-MAY-2008
First Named Inventor:	Liu, Yufeng		
Title of the Invention:	Optical Film Comprising Birefringent Naphthalate Copolyester Having Branched or		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/039736

The international date of the corresponding PCT application(s) is/are: April 7, 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)**

- [x] 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.
- [x] 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.**

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
- [x] Has already been filed in the above-identified U.S. application on August 21, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [ ] Are attached.
- [x] Have already been filed in the above-identified U.S. application on August 21, 2009

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/114109
First Named Inventor:	Liu, Yufeng

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-28	1-22, 25-28	Identical
23-24		cancelled via Preliminary Amendment submitted herewith

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Carolyn A. Fischer/	Date October 1, 2010
Name (Print/Typed) Carolyn A. Fischer	Registration Number 39,091

CAF

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

OFFICE OF INTELLECTUAL
PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY

PCT AUG 11 2009

REFERRED TO

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.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.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/039736	07.04 2009	02.05.2008

International Patent Classification (IPC) or both national classification and IPC
INV. B32B27/36 B32B27/08 C08J5/18 C08G63/189 C08G63/688 G02B5/08 G02B5/30

Applicant
3M INNOVATIVE PROPERTIES COMPANY

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 43*bis*.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 notifed the International Bureau under Rule 66.1*bis*(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.

CAR
AUG 11 2009

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Kanetakis, Ioannis Telephone No. +49 89 2399-8083

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/039736

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. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. 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.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and 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

☐ the entire international application

☒ claims Nos. 23,24

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search *(specify)*:

☒ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. 23,24 are so unclear that no meaningful opinion could be formed *(specify)*:

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☐ no international search report has been established for the whole application or for said claims Nos.

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-22,25-28
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-22,25-28
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-22,25-28
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following documents, in particular to the passages cited in the International Search Report:
D1: WO 2006/044075 A
D2: US-B2-7 052 762
D3: DATABASE WPI Week 199141 Thomson Scientific, London, GB; AN 1991-300308 XP002538423 & JP 03 200830 A (KURARAY CO LTD) 2 September 1991 (1991-09-02)

2 Document D1, which is considered to represent the most relevant state of the art for the subject-matter of independent claims 1, 25 and 26, discloses modified copolyesters based on a co-polyethylene naphthalate comprising carboxylate subunits and glycol subunits, wherein the carboxylate subunits are derived from 10 to 50 mol% naphthalene dicarboxylate and the glycol subunits are derived from cycloaliphatic diol (eg, cyclohexane dimethanol) and branching diol (eg, neopentyl glycol). An optical film comprising said polymer; a multilayer polymer film comprising a plurality of first optical layers comprising a birefringent first copolyester and a plurality of second optical layers comprising a second copolyester being a co-polyethylene naphthalate as described above, said second optical layers having a low in-plane birefringence (0.04 or less at 632.8 nm) are also disclosed. The copolyesters according to D1 are used in the construction of optical films such as polarizers and mirrors (p. 1, fourth paragraph).

From this, the subject-matter of independent claims 1,25 and 26 differs in that the copolyester comprises different molar proportions of naphthalate, ethylene and branched/cyclic C4-C10 alkyl units. Also it appears that the copolyester layer according to the present application is a birefringent layer.

2.1 The subject-matter of claims 1,25 and 26 is therefore novel (Article 33(2) PCT) The problem to be solved by the present invention may be regarded as to provide a birefringent monolithic film or a birefringent layer of a multilayer optical film having a relatively high in-plane birefringence (n_x-n_y) with n_x, n_y the refractive indices (RI) in the orthogonal in-plane directions, such as useful for a polarizer, and/or a relatively high out-of-plane birefringence (the difference between average of in-plane refractive indices and the refracive index normal to the film), such as

useful for a mirror (p. 2, last paragraph).

2.2 The solution to this problem proposed in claims 1, 25 and 26 of the present application is considered as involving an inventive step (Article 33(3) PCT) because a birefringent copolyester film according to claim 25, a copolyester polymeric material according to claim 26 and a multilayer optical film according to claim 1 are not suggested in the prior art D1 alone or in combination with either D2 or D3.

2.3 Claims 2-22, 27 and 28 are dependent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.

2.4 Claims 23 and 24 are objected for clarity, see item VIII.

Re Item VII

3 The unit "lb" employed in Table 1 on p. 26 is not additionally expressed in terms of the units stipulated by Rule 10.1/(a)/and/(b) PCT.

Re Item VIII

4 Although claims 1, 23 and 24 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

Claims 23 and 24 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims 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.
In this respect document D1 (claims 64, 73-75) discloses a multilayer polymer film comprising a plurality of first optical layers comprising a birefringent first copolyester or polyester, the first optical layers are at least nearly truly uniaxially

orientated; and a plurality of second optical layers comprising a second copolyester being a co-polyethylene naphthalate. The birefringent first optical layers have a ratio of a maximum in-plane birefringence to a maximum birefringence in a plane normal to an orientation stretch of 5 or more (in claim 73 of D1 the reverse ratio is claimed, being 0.2 or less). Hence, present claims 23 and 24 differ from claims 73-75 of D1 in that, in addition, the "second scan heat of fusion" and the "melting temperature of the copolyester" are claimed. However, these additional features are physical properties of the birefringent optical layer comprising the copolyester of claim 1. Hence claims 23 and 24 are directly related to and are dependent upon claim 1.

In all examples and in the description the materials of layers 12 and 14 are polymeric. Hence the sentence on p. 5, l. 7 that "In one embodiment, the materials of layers 12 and 14 are polymeric" should be deleted (Art. 6 PCT).

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.
12/114,109	05/02/2008	Yufeng Liu	64182US002	2367

32692 7590 10/28/2010
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER
CHEN, VIVIAN

ART UNIT	PAPER NUMBER
1787	

NOTIFICATION DATE	DELIVERY MODE
10/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.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

BC

October 27, 2010

In re application of Yufeng Liu et al. Serial No. 12/114,109 Filed: May 02, 2008 For: OPTICAL FILM COMPRISING BIREFRINGENT NAPHTHALATE COPOLY-ESTER HAVING BRANCHED OR CYCLIC C4-C10 ALKYL UNITS	:	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 01, 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, 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 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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/03/11

TO SPE OF : ART UNIT 1787

SUBJECT : Request for Certificate of Correction for Appl. No.: 12114109 Patent No.: 8012571

CofC mailroom date: 09/26/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes in the claims be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **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: All changes have been approved. No new matter has been introduced nor has the scope or the meaning of the claims been changed.

Carrie Shosho AU 1787

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/28/11

TO SPE OF : ART UNIT 2454

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/114,150 Patent No. 7,849,139

CofC mailroom date 2/15/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Approved. All changes apply.

/Joon H. Hwang/ — **SPE**

2447 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of
Murray David Wilson, et al.
Application No. 12/114,191
Filed: May 2, 2010
Attorney Docket No. 15913-000001/US

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 13, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes from applicant's representative that he is in possession of proof of applicant Omer Leon Hageniers' age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOLEY LLP
ATTN: PATENT GROUP
777 – 6TH STREET NW, SUITE 1100
WASHINGTON, DC 20001

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Scott HENEVELD, et *al.*	:	
Application No. 12/114,194	:	DECISION GRANTING PETITION
Filed: May 2, 2008	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. **AEST-002/05US 308954-2004**	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed September 9, 2010, 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 in favor of a continuing application under 37 CFR 1.53(b).

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Kevin G. Rooney 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, Mr. Rooney 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 Mr. Rooney, 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 application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **KEVIN G. ROONEY**
WOOD HERRON & EVANS, LLP
441 VINE STREET/ 2700 CAREW TOWER
CINCINNATI, OH 45202-2917

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
HOFMANN, Ray	:	
Application No. 12/114,210	:	DECISION ON PETITION
Filed: May 02, 2010	:	TO WITHDRAW
Attorney Docket No. **095016-0103**	:	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 04, 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 Stephen E. Reiter on behalf of all attorneys of record who are associated with customer No. 30542. 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 Ray Hofmann at the address indicated below.

There is an outstanding Office action mailed September 14, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HOFMANN ENERGY SYSTEMS, LLC**
C/O RAY HOFMANN
26401 VIA SACRAMENTO
CAPISTRANO, CA 92624

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date February 16, 2012

Patent No. :8094907
Ser. No. :12114307
Inventor(s) : Craig H. MEYER et al.
Issued :January 10, 2012
Title :SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR FAST :CONJUGATE PHASE RECONSTRUCTION BASED ON POLYNOMIAL :APPROXIMATION

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- **A.** the processing fee set forth in 37 CFR 1. 17(i) (currently $130);
- **B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions
Electronic Filing	uspto.gov/ebc/index.html (must be registered as an e-filer) Support 1-866-217-9197 571-272-4100

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571-272-9005.

A. Green

For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9005

Michael C. Greenbaum
BLANK ROME LLP
600 New Hampshire Ave., N.W.
Washington, DC 20037

/arg

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.
12/114,342	05/02/2008	Kim R. Smith	2487USU1	2880

7590 05/11/2011

ECOLAB USA INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN, MN 55121

EXAMINER
BOYER, CHARLES I

ART UNIT	PAPER NUMBER
1761	

NOTIFICATION DATE	DELIVERY MODE
05/11/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 11, 2011

ECOLAB USA INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN MN 55121

In re Application of	:	
Kim R. Smith et al.	:	**DECISION ON PETITION**
Application No. 12114342	:	
Filed: 5/2/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 2487USU1	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 11, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARCHER DANIELS MIDLAND COMPANY
4666 FARIES PARKWAY
DECATUR IL 62526

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Glenn D. Kimball	:	
Application No. 12/114347	:	
Filing or 371(c) Date: 05/02/2008	:	
Attorney Docket Number:	:	
CP.0074.US01	:	ON PETITION

This is a decision on the "Petition Pursuant to 37 C.F.R. § 1.181(A) to Wi[t]hdraw Holding of Abandonment Pursuant to MPEP § 711.03(c)(I)(A)," filed January 20, 2012. The petition is properly treated under 37 C.F.R. § 1.181(a). This decision also addresses the petitions to revive the application under 37 CFR 1.137(b), filed January 20, 2012 and January 30, 2012.

This Petition under 37 C.F.R. § 1.181(a) is hereby **granted to the extent indicated**.

This Petitions under 37 CFR 1.137(b) are hereby **dismissed as premature**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed October 14, 2011. The Notice of Non-Compliant Amendment set a one (1) month or 30 day period for reply, whichever was longer. Extensions of time were available under 37 CFR 1.136(a). The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Applicant files the present petition to withdraw the holding of abandonment based upon non-receipt of the Notice. Applicant also files a petition to revive the application under 37 CFR 1.137(b) and petition fee on January 20, 2012, re-filed on January 30, 2012 to include a replacement abstract.

Application Status

The Notice of Non-Compliant Amendment ("Notice"), mailed October 14, 2011, set a one (1) month or 30 day period for reply, whichever was longer, and provided for extensions of time under 37 CFR 1.136(a). As such, the present application remains within the extendable period for filing a reply to the Notice. The Notice of Abandonment was therefore mailed in error, and is hereby withdrawn.

Petition under 37 CFR 1.181(a)

Applicant files the present petition to withdraw the holding of abandonment based upon non-receipt of the Notice. Applicant files with the petition a reply in the form of an Abstract, on January 20,

2012, and a replacement Abstract on January 30, 2012, including an authorization to charge Applicant's deposit account the necessary fees to make the reply complete.

Based upon the above, the reply filed January 30, 2012, required a three (3) month extension of time and fee in order to make the reply complete.

Applicant's deposit account has been charged the fee for a three (3) month extension of time, $1270.00, and the reply filed January 30, 2012 is being referred to Technology Center Art Unit 3743 for processing in the normal course of business.

Petition(s) under 37 CFR 1.137(b)

In view of the foregoing, the petition under 37 CFR 1.137(b) is dismissed as premature.

The petition fee, $1860.00, has been refunded to petitioner's deposit account.

The application will be referred to Technology Center Art Unit 3743 for processing of the reply filed January 30, 2012, in the normal course of business.

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
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MAIL

AUG 25 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
IMINE, RYOTARO et al.	:	DECISION ON REQUEST TO
Application No. 12/114,440	:	PARTICIPATE IN PATENT
Filed: May 02, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 01272.142256.	:	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 July 23, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Ufert et al.	:	DECISION ON PETITION
Application No. 12/114,480	:	TO WITHDRAW
Filed: May 2, 2008	:	FROM RECORD
Attorney Docket No. QIM 2006 P 51927 US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Further, the instant application became abandoned for failure to timely respond to the Office action mailed October 8, 2010. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). As such, any renewed Request to Withdraw as Attorney will not treated on the merits, but will only be placed in the application.

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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COURTNEY STANIFORD & GREGORY LLP
PO BOX 9807
SAN JOSE CA 95157

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Patel et al.	:	
Application No. 12/114,565	:	ON PETITION
Filed: May 2, 2008	:	
Attorney Docket No. CSHE.P019	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 7, 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 a Request for Continued Examination (and fee) and an Amendment and Response under 37 CFR 1.111, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3694 for processing of the Request for Continued Examination under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BARBARA B. COURTNEY
718 UNIVERSITY AVENUE, SUITE 216
LOS GATOS, CA 95032-7608

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HITT GAINES, PC
LSI Corporation
PO BOX 832570
RICHARDSON TX 75083

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of
Chittipeddi, et al.
Application No. 12/114,589
Filed: May 2, 2008
Attorney Docket No. CHITTIPEDDI 105-28-18

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 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.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed, and, thus, fails to comply with 37 CFR 1.33(b). Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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LSI Corporation
PO BOX 832570
RICHARDSON TX 75083

MAILED
FEB 23 2011
OFFICE OF PETITIONS

In re Application of
Chittipeddi, et al.
Application No. 12/114,589
Filed: May 2, 2008
Attorney Docket No. CHITTIPEDDI 105-28-18

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned November 6, 2009 for failure to timely submit a proper reply to the final Office action mailed August 5, 2009. The final Office action set a three month shortened statutory period of time for reply. No petition for extension of time pursuant to 37 CFR 1.136(a) was submitted. Notice of Abandonment was mailed February 23, 2010.

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. 12/689,749.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Application of :
Cunningham et al. :
Application No. 12/114,614 :
Filed: May 2, 2008 : DECISION ON PETITION
Attorney Docket No. KCX-1396- : UNDER 37 C.F.R. § 1.137(B)
CIP(64407561US01 :
Title: STAIN-DISCHARGING AND :
REMOVING SYSTEM :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 2, 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 within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed March 2, 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 May 3, 2011. A notice of abandonment was mailed on October 4, 2011.

On December 2, 2011, Petitioner filed a Request for Continued Examination (RCE) along with the associated fee, an amendment, and the proper statement of unintentional delay. The concurrently filed amendment has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on December 2, 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 examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Richard Lee-Chee Kuo	:	
Application No. 12/114,833	:	NOTICE
Filed: May 5, 2008	:	
Attorney Docket No. 63084.000028	:	

This is a notice regarding your request filed August 29, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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CHRISTOPHER PYLES
11767 WESTVIEW PKWY.
SAN DIEGO CA 92126

MAILED
SEP 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Christopher Pyles	:	
Application No. 12/114,834	:	DECISION ON PETITION
Filed: May 5, 2008	:	
Title: Taping Apparatus	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **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, January 6, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 7, 2010. A Notice of Abandonment was mailed August 13, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2)

With regards to item (2) petitioner has submitted $525.00 towards the required petition fee.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620.00. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Therefore, no consideration on the merits can be given to the petition until the required fee is received.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Christopher M. Pyles
Gaya I-Park 407-204, Samgye-Dong
Gimhae-city, Gyungnam, S. Korea 621-070

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CHRISTOPHER PYLES
GAYA I-PARK 407-204
SAMGYE-DONG
GIMHAE CITY, GYUNGNAM 621-0-70 KR KOREA, REPUBLIC OF

MAILED

MAR 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher Pyles	:	
Application No. 12/114,834	:	DECISION ON PETITION
Filed: May 5, 2008	:	
Title: Taping Apparatus	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 6, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 7, 2010. A Notice of Abandonment was mailed August 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 (previously submitted July 8, 2010), (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1791 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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FEB 01 2012

OFFICE OF PETITIONS

LECLARRYAN
70 LINDEN OAKS SUITE 210
ROCHESTER, NY 14625

In re Application of	:	
DAFNA BAR-SAGI et al	:	DECISION GRANTING STATUS
Application No. 12/114,914	:	UNDER 37 CFR 1.47(a)
Filed: May 6, 2008	:	
Attorney Docket No. 29527.0681	:	
(57953/1531))		

This is in response to the petition under 37 CFR 1.47(a), filed January 26, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

This application is being referred to Technology Center 1600, Art Unit 1652 for action in accordance with this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **NIXON PEABODY LLP**
CLINTON SQUARE, P.O. BOX 31051
ROCHESTER, NEW YORK 14603

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/30/10 Paper No.: ____

TO SPE OF : ART UNIT 3633

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/114919 Patent No.: 7743573B1

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: ____

3633

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **9-17-10**

TO SPE OF : ART UNIT **2841**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12114978** Patent No.: **7784191**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

Approved.

/jjl/

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DENNIS G. LAPOINTE
LAPOINTE LAW GROUP, PL
PO BOX 1294
TARPON SPRINGS FL 34688-1294

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DEC 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Agreda et al.	:	
Application No. 12/114986	:	ON PETITION
Filing or 371(c) Date: 05/05/2008	:	
Attorney Docket Number: 3694.020CIP	:	

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 6, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No complete and proper reply was filed. Accordingly, the date of abandonment of this application is January 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1655 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
In-Hyuk Son	:	
Application No. 12/114,999	:	DECISION GRANTING PETITION
Filed: May 5, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 61485/P849	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1726 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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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.
12/115,059	05/05/2008	Andreas Hofhauser	364712	4379

25764 7590 07/13/2011
FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

EXAMINER
CARTER, AARON W

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

djohnson2@faegre.com
rhale@faegre.com
PatentDocketing@Faegre.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-3901

In re Application of	:	
HOFHAUSER, ANDREAS et al	:	DECISION ON REQUEST TO
Application No. 12/115,059	:	PARTICIPATE IN PATENT
Filed: May 05, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 364712	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 10, 2010 and renewed on June 24 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 3 above since US claim 19 does not sufficiently correspond to the now provided EPO claim 1. Specifically, US claim 19 and EPO claim 1 are

directed to different statutory classes of invention and therefore do not have sufficiently corresponding scope.

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 should be directed to Patent Application Information Retrieval (PAIR) system.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600
Communications

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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
FREUND, Robert M. et al.	:	
Application No. 12/115,215	:	DECISION ON PETITION
Filed: May 05, 2008	:	TO WITHDRAW
Attorney Docket No. **739/4**	:	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 30, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then 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: **CHANGE-UP CORP.**
280 RAILROAD AVE, SUITE 200
GREENWICH, CONNECTICUT 06830

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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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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SEP 27 2010

OFFICE OF PETITIONS

In re Application of
JENNINGS, Philip A. et al.
Application No. 12/115,264
Filed: May 05, 2008
Attorney Docket No. **CAP 554C**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 13, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER LLP has been revoked by the assignee of the patent application on August 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **ROSS J. OEHLER**
CEPHALON, INC.
41 MOORES ROAD
PO BOX 4011
FRAZER PA 19355

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THE JANSSON FIRM
3616 Far West Blvd
Ste 117-314
AUSTIN, TX 78731

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of
Peter W. Fajkowski
Application No. 12/115,309
Filed: May 5, 2008
Attorney Docket No.: FAJP-120US

ON PETITION

This is a decision in response to the petition, filed March 2, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed July 1, 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 October 2, 2010. A Notice of Abandonment was mailed on February 7, 2011. On March 2, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of terminal disclaimer and fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 2876 for appropriate action by the Examiner in the normal course of business on the response filed March 2, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12115319
Filing Date	05-May-2008
First Named Inventor	Hajime KIMURA
Art Unit	2871
Examiner Name	WEN YING CHEN
Attorney Docket Number	12732-536001
Title	LIQUID CRYSTAL DISPLAY DEVICE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ☐ Applicant(s) status remains as SMALL ENTITY.
- ☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/John F. Hayden/
Name	John F. Hayden
Registration Number	37640

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 19, 2012

In re Application of :

Hajime KIMURA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12115319

Filed : 05-May-2008

Attorney Docket No : 12732-536001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2871 for processing of the request for continuing examination under 37 CFR 1.114 .

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POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON, DE 19899-0951

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Frank R. Kincs	:	
Application No. 12/115,330	:	DECISION ON PETITION
Filed: May 5, 2008	:	TO WITHDRAW
Attorney Docket No. BB1738 USNA (32500-500)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed November 12, 2010.

The request is **APPROVED**.

A review of the file record indicates that Kelly J. Williamson: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Kelly J. Williamson has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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SEP 29 2011

OFFICE OF PETITIONS

Foley & Lardner LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
Calhoon et al.
Application No. 12/115,341
Filed: May 5, 2008
Attorney Dkt. No. 098888-2048
For: DATA PROCESSING SYSTEMS AND METHODS

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed September 23, 2011. Applicants request that the determination of patent term adjustment be corrected from four hundred seventy-three (473) days to seven hundred twenty-three (723) days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the

computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Hossainy et al.	:	
Application No. 12/115,347	:	DECISION ON PETITION
Filed: May 5, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 050623.01076	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed November 19, 2008.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
> (2) the surcharge set forth in § 1.17(t); and
> (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the prior-filed application on page one following the first sentence of the specification has been included in an amendment filed November 19, 2008. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed

> subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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[1] *Note* 37 CFR 1.121

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275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

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OFFICE OF PETITIONS

In re Application of	:	
Hossainy et al.	:	
Application No. 12/115,347	:	DECISION GRANTING PETITION
Filed: May 5, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 050623.01076	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 8, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed

nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 1615 for appropriate action on the amendment filed February 8, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Anthony Knight
Director
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/115,347	05/05/2008	1615	1030	050623.01076	20	3

CONFIRMATION NO. 4940

CORRECTED FILING RECEIPT

45159
SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

OC000000045943555

Date Mailed: 02/10/2011

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)

Syed F.A. Hossainy, Fremont, CA;
Eugene T. Michal, San Francisco, CA;
Yiwen Tang, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 45159

Domestic Priority data as claimed by applicant

This application is a CON of 11/641,250 12/18/2006 PAT 7,378,106
which is a CON of 10/630,261 07/30/2003 PAT 7,169,404

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/15/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/115,347**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

BIOLOGICALLY ABSORBABLE COATINGS FOR IMPLANTABLE DEVICES AND METHODS FOR FABRICATING THE SAME

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JUN 08 2011

PCT LEGAL ADMINISTRATION

THE COLEMAN COMPANY
3600 NORTH HYDRAULLIC
IP LEGAL- 11702
WICHITA, KS 67219

In re Application of
Hinz, et al.
U.S. App No.: 12/115,379
Attorney's Docket No.: 27451E-011910US
For: TENT WITH HINGED DOOR OR WINDOW

: DECISION ON
: PETITION
: UNDER
: 37 CFR 1.78(a)(3)

This is a petition decision on petition under 37 CFR 1.78(a)(3), filed 02 December 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for benefit of priority to international application PCT/US06/39815 filed on 06 October 2006, set forth in the amendment filed 02 December 2010.

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 application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that applicant has not included the proper reference under 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i). The examiner has indicated that the amendment after final rejection will not be entered since the amendment would require further consideration and/or search.

Any inquiries concerning this decision may be directed to Debra Brittingham at (571) 272-3280. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

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.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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MICHAEL J. URE
10518 PHIL PLACE
CUPERTINO, CA 95014

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas M. Luich	:	
Application No. 12/115,453	:	ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No. G080501LVDS.US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed December 2, 2009. A Notice of Abandonment was mailed on September 14, 2010.

Since 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, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2816 for review of the amendment submitted 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 Petitions

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COURTNEY STANIFORD & GREGORY LLP
PO Box 9807
San Jose CA 95157

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas M. Ducharme et al.	:	
Application No. 12/115,470	:	DECISION ON PETITION
Filed: May 5, 2008	:	TO WITHDRAW
Attorney Docket No. GBVR.P002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COURTNEY STANIFORD & GREGORY LLP
PO BOX 9807
SAN JOSE CA 95157

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Lima et al.	:	TO WITHDRAW
Application No. 12/115,499	:	FROM RECORD
Filed: May 5, 2008	:	
Attorney Docket No. GBVR.P003	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2011.

The request is **NOT APPROVED**.

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 Barbara B. Courtney on behalf of all attorneys of record associated with Customer Numbers 53186 and 98293. The request cannot be approved since all practitioners of record were not appointed by Customer Numbers 53186 and 98293. Accordingly, since the practitioners were appointed by a single Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Dr. Michael Sasha John
Angel-Medical Systems
1163 Shrewsbury Avenue
Shrewsbury NJ 07702

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Sasha John	:	
Application No. 12/115,538	:	DECISION ON PETITION
Filed: May 5, 2008	:	
Attorney Docket No.	:	

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 properly reply in a timely manner to the non-final Office action mailed August 4, 2010, which set a shortened statutory period for reply of three (3) months. Three months extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 5, 2011. A Notice of Abandonment was mailed on May 25, 2011.

It should be noted that the petitioner timely filed a reply on February 2, 2011. Petitioner also filed papers on April 28, 2011, at the direction of the examiner as noted in the Examiner Interview Summary Record – March 3, 2011. Any papers received after February 4, 2001 was filed after the case became abandoned. In order for the papers to be considered by the Office a grantable petition to revive is necessary.

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, application data sheet and specification, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment application data sheet and specification is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3695 for appropriate action by the Examiner in the normal course of business on the replies received February 2, 2011 and April 28, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael Sasha John
2 Washington Square, Apt. 6A
Larchmont, NY 10538

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. : **7764558**
Ser. No. : **12/115687**
Inventor(s) : **ABE, KEIICHIRO**
Issued : **07/27/2010**
Title : **HYBRID SENSE AMPLIFIER AND METHOD, AND MEMORY DEVICE USING SAME**
Docket No. : **189910/US**

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.

In regards to the alleged error(s) on the Title Page, Item 75, a petition under 1.182 is required to correct the spelling of the inventor's name.

In view of the foregoing, your request, in this matter, is hereby denied.

The petition should be submitted 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: (703) 872-9306
ATTN: Office of Petitions

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

Russell Slifer
Micron Technology
8000 Federal Way
Ms 1-525
Boise, ID 83707

OL

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APR 26 2011

OFFICE OF PETITIONS

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
SEATTLE WA 98104-7043

Patent No. 7,764,558	:	
Issue Date: July 27, 2010	:	
Application No. 12/115,687	:	ON PETITION
Filed: May 6, 2008	:	
Attorney Docket No. 189910/US	:	

This is a decision on the petition under 37 CFR 1.182, filed March 10, 2011, to change the name of the inventor.

The petition is **GRANTED**.

The name of the inventor has been changed from **Yukata Ito** to **Yutaka Ito**.

The application file is being referred to Certificate of Corrections for further processing.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/115,688	05/06/2008	Bernhard Baaser	GP-307193-FCA-CHE	5590

65798 7590 11/23/2011
MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS, MI 48304

EXAMINER
O DONNELL, LUCAS J

ART UNIT	PAPER NUMBER
1726	

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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11/23/2011

wk

Mailed :

In re Application of	:	DECISION ON
Baaser et al.	:	PETITION
Serial No. 12/115,688	:	
Filed: May 6, 2008	:	
For: **ANODE LOOP OBSERVER FOR FUEL CELL SYSTEMS**		

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on August 31, 2011.

The Examiner initially required a restriction on between

Group I, claims 1- 8, drawn to a method for determining the concentration of hydrogen in an anode recirculation loop of a fuel cell stack, classified in class 429, subclass 427.

Group II, claims 9-16 drawn to a fuel cell system, classified in class 429, subclass 446.

Group III, claims 17-19, drawn to a fuel cell system, classified in class 429, subclass 443.

The Examiner determined that inventions I and II were related as process and apparatus for its practice. Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown:

(A) that the process *as claimed* can be practiced by another materially different apparatus or by hand; or

(B) that the apparatus *as claimed* can be used to practice another materially different process.

The burden is on the Examiner to provide reasonable examples that recite material differences. The Examiner determined that the process as claimed can be used to practice another and materially different apparatus, such as that of Group III.

The Examiner determined that inventions I and III were also related as process and apparatus for its practice. The Examiner determined that the process as claimed can be used to practice another and materially different apparatus, such as that of Group II.

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The Examiner determined that Inventions III and II are related as combination and subcombination. To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search. See MPEP § 808.02.

The inventions are distinct if it can be shown that a combination as claimed:

(A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and

(B) the subcombination can be shown to have utility either by itself or in another materially different combination.

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the controller of group II requires a controller for determining the concentration of hydrogen in the recirculation gas where said controller sets an arbitrary value for the percentage of hydrogen in the recirculation gas where the controller of group III for calculating the concentration of hydrogen in the recirculation gas uses a model which does not require many of the details of the controller of Invention II including setting an arbitrary value for the percentage of hydrogen in the recirculation gas. The subcombination, Invention III, has separate utility such as calculating the volume flow of recirculation gas flowing through the anode side of the stack as a function of the calculated pressure drop across the anode side of the stack, the percentage of hydrogen in the recirculation gas, the measured temperature, and the measured pressure.

Applicant elected Group I, claims 1-8, with traverse.

Applicant asserts the Examiner has not properly satisfied his burden to provide reasonable examples that recite material difference, and therefore, the inventions of Groups I and II and the inventions of Groups I and III have not been properly defined as distinct inventions under MPEP 806.05(e).

The method of Group I can be practiced by two materially different apparatuses. Groups II and III have controllers that function differently and define distinct inventions.

Applicant submits that the subcombination cannot have a separate utility because both the combination and subcombination have the same utility for identifying the concentration of hydrogen in the recirculation gas. Further applicant asserts that independent claim 9 uses all the values of independent claim17 in determining the concentration of hydrogen in the recirculation gas.

Group III (claim 17) was identified by the Examiner as the combination and Group II (claim 9) as the subcombination. Applicant argues that Group III is the subcombination.

Groups II and III have separate utility because the controllers perform differently.

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Claim 17 does not require the particulars of claim 9.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

If there is an express admission that the claimed inventions would have been obvious over each other within the meaning of 35 U.S.C. 103, restriction should not be required. In re Lee, 199 USPQ 108 (Comm'r Pat. 1978). Applicants have not made an express admission.

For purposes of the initial requirement, a serious burden on the examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That prima facie showing may be rebutted by appropriate showings or evidence by the applicant. Applicants have not done this.

The Examiner has demonstrated a serious burden by the separate classification between Groups I, II and III.

DECISION

The petition is **DENIED.**

The Restriction is maintained.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS MI 48304

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110208

DATE : February 08, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7667082

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/DANIEL M SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621

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SUDHAKAR GOVINDAVAJHALA
BRAIN LEAGUE IP SERVICES
2570 N. 1ST STREET, SECOND FLOOR
SAN JOSE, CA 94024

In re Application of
Sudhakar GOVINDAVAJHALA
Application No. 12/115,767
Filed: May 6, 2008
Attorney Docket No. I4997-K011

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 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 April 12, 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 above-identified application became abandoned on July 13, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $930; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of April 12, 2011 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 three (3) month extension of time ($635 extension of time fee), filed in response to the Non-Final Action of April 12, 2011, was submitted after the sixth (6th) month period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned, David A. Bucci at (571) 272-7099.

The application file is being referred to Technology Center AU 2438 for appropriate action on the amendment filed October 17, 2011.

David Bucci
Petitions Examiner
Office of Petitions

cc: Sudhakar Govindavajhala
224 Lucy Ct.
South Plainfield, NJ 07080

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

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SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Peter Franck et al.	:	
Application No. 12/115,857	:	DECISION ON PETITION
Filed: May 6, 2008	:	
Attorney Docket No. 2008P01788US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before August 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 27, 2011. Accordingly, the date of abandonment of this application is August 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 payment of the issue fee of $1,510, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue fee 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 the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

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OPTIMAL INNOVATIONS, INC.
1001 West 4th St.
Winston-Salem NC 27101

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AUG 16 2010

OFFICE OF PETITIONS

In re Application of
ROLAND SCHOETTLE
Application No. 12/115,878
Filed: May 6, 2008
Attorney Docket No. **74268/P021US/10703552**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Michael T. Morlock on behalf of all attorneys of record who are associated with Customer Number 84373.

All attorneys/agents associated with Customer Number 84373 application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee Optimal innovations, Inc. at the address list listed in the request.

There is currently no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Optimal Innovation, Inc.
801 Jones Franklin Rd.
Suite 210
Raleigh, NC 27606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

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JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Andrew D. BANKHEAD, et *al.*	:	
Application No. 12/115,955	:	DECISION GRANTING PETITION
Filed: May 6, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **AMTH-100US1**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 December 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2877 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed December 22, 2010.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/116,023	05/06/2008	Matthew GRISHAM	081427-0367675	6232

909 7590 07/27/2011
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
GUADALUPE, YARITZA

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
07/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket_ip@pillsburylaw.com
margaret.drosos@pillsburylaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JUL 27 2011

In re Patent No. GRISHAM, MATTHEW	:	
Issue Date: 03/29/2011	:	**DECISION GRANTING**
Appl No.: 12/116,023	:	**PETITION**
Filed: May 06, 2008	:	*37 CFR 1.324*
For: CHALK LINE DEVICE, HOOK THEREFOR, AND METHOD	:	

This is a decision on the petition filed 13 May 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.

Lisa Caputo
Supervisory Patent Examiner
Art Unit 2855/Acting SPE AU 2841
Technology Center 2800

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GOODMAN, ALLEN & FILETTI PLLC
4501 HIGHWOODS PARKWAY
SUITE 210
GLEN ALLEN VA 23060

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
David GOTHARD	:	
Application No. 12/116,053	:	DECISION ON PETITION
Filed: May 06, 2008	:	TO WITHDRAW
Attorney Docket No. **0004.000002US**	:	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, 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 Matthew T. Kitces on behalf of all attorneys of record who are associated with customer No. 33422. 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 David Gothard 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: **DAVID GOTHARD**
5400 YAHL STREET
SUITE D
NAPLES, FLORIDA 34109

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.
12/116,068	05/06/2008	Wing-kin Hui	JHUI1926	6326

49927 7590 04/21/2011
PENINSULA IP GROUP
26150 BUCKS RUN
CORRAL DE TIERRA, CA 93908

EXAMINER
SPISICH, MARK

ART UNIT	PAPER NUMBER
3727	

MAIL DATE	DELIVERY MODE
04/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PENINSULA IP GROUP
26150 BUCKS RUN
CORRAL DE TIERRA CA 93908

In re Application of:
HUI, WING-KIN
Serial No. 12/116,068
Filed: May 6, 2008

Docket No.: JHUI1926

POOL CLEANING VEHICLE HAVING INTERNAL DRIVE PROPULSION

DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed on March 28, 2011 under 37 CFR 1.181 requesting clarification of response and withdrawal of the election of species requirement of Feb. 3, 2011. 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 as premature.

In the restriction requirement issued on February 3, 2011, the examiner stated that this application contains claims directed to the following patentably distinct species (1) Figure 3; (2) Figure 4; (3) Figure 5; and (4) Figures 6-8. The examiner also requested that applicant to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The examiner indicated that claims 1 and 8 appear to be generic. In response, on page 2 of the response of February 11, 2011, the applicant has elected with traverse Species I, claims 1-7 for examination. In the non-compliant letter to the applicant on March 23, 2011, the examiner stated that the applicant failed to elect one of the species. Since the record is clear that the applicant has elected Species I, claims 1-7 for examination purpose, no further clarification is necessary at this time.

A review of record also shows that the examiner's office action of March 23, 2011 did not make the restriction final and left with many unanswered questions raised by the applicant. The examiner must address all arguments raised by the applicant's traversal. It is also noted in the applicant's election of February 11, 2011, the applicant failed to explain why the claims are not patentable distinct as required (see 2nd paragraph on page 3 of the Office action of February 3,

2011). Since the restriction requirement was not made final in the Office action of March 23, 2011, then, the petition is dismissed as premature (37 CFR 1.144[1]). In the next Office action, the examiner is requested to fully answer the applicant's arguments raised in the applicant's responses of February 11, 2011 and March 28, 2011.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3727 for consideration of the response filed on March 28, 2011. Petitioner may file a request for reconsideration of this decision, without fee. However, such a request must be filed within two months of the date of this decision. See 37 CFR 1.181. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is, therefore, dismissed as premature.

Donald T. Hajec, Director
Technology Center 3700

[1] § 1.144 Petition from requirement for restriction: After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

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.
12/116,166	05/06/2008	Tat Leung Chung	22551-003001	6544

20985 7590 12/29/2010
FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
12/29/2010	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):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 28 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In Re Application of
CHUNG, TAT LEUNG, et al.
Application Serial No. 12/116,166
Filed: May 6, 2008
For: **VIDEO FUSION DISPLAY SYSTEMS**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed May 6, 2008, requesting acceptance of color photographs.

The petition requests that the color photographs, noted as figures 1A, 1B, 1C, 3A and 3B be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
(571) 272-7418

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120419

DATE : June 01, 2011

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction on Patent No.: 7703439

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:

/STEPHEN K CRONIN/
Supervisory Patent Examiner.Art Unit 3747

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Application	:	
Platner et al.	:	DECISION ON PETITION
Application No. 12/116,185	:	TO WITHDRAW
Filed: May 6, 2008	:	FROM RECORD
Attorney Docket No. 11635-0017-999	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 18, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that a Revocation and new Power of Attorney was filed on October 14, 2010, by the assignee. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the 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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John Bachmann
210 Orange Road
Montclair NJ 07042

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of

John Bachmann, et al. :

Application No. 12/116,196

: DECISION ON PETITION

Filed: May 6, 2008

:

Attorney Docket No. **100**

This is a decision on the petition under 37 CFR 1.1.137(b) filed on May 27, 2011, to revive the above-cited application.

The petition is **DISMISSED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed November 6, 2009, which set a shortened period for reply of one (1) 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 7, 2009. A Notice of Abandonment was mailed June 23, 2010.

The instant petition was filed on May 27, 2011.

The petition will not be treated on its merits at this juncture because it is not signed by all of the necessary parties. Further to this point, 37 CFR 1.33(b) provides, in pertinent part that:

> b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A patent practitioner of record appointed in compliance with § 1.32(b);
>
> (2) patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition, as filed on May 27, 2011, is defective because it is only signed by inventor John Bachmann, but there are additional joint inventor named in the application. The renewed petition must be signed by either all the named joint inventors, an attorney of record in the application, or a representative of the assignee that is empowered by 37 CFR 3.73(b). Additionally, any amendments or responses to Office actions must be signed by one of the parties set forth in 37 CFR 1.33(b) above.

NO ADDITIONAL PETITION FEES ARE REQUIRED.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

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NOV 04 2011

OFFICE OF PETITIONS

In re Patent No. 8,064,460
Issue Date: November 22, 2011
Application No. 12/116,207
Filed: May 7, 2008
Attorney Docket No. 1291-059.101

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 30, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 01/03/11

Patent No. : 8066546 B2
Ser. No. : 12/116,223
Inventor(s) : **Simpson**
Issued : **November 29, 2011**
Title : **BRASSIERE**
Docket No. : **1030/0166PUS1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

LMN

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Naciri et al.	:	DECISION ON PETITION
Application No. 12/116,236	:	TO WITHDRAW
Filed: May 7, 2008	:	FROM RECORD
Attorney Docket No. 0579-1186	:	

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 14, 2011

TO SPE OF : ART UNIT 1765 - SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/116,314 Patent No.: 7,847,013 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should OTHER PUBLICATION reference be added to title page of patent as requested by applicant? *See COCIN dated 1-28-2011 Also 1449 dated 07-29-2010*

Antonio Johnson

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
SPE TECHNOLOGY CENTER 1700 **Art Unit** 1766

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BURR & BROWN
P.O. BOX 7068
SYRACUSE NY 13261-7068

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of
Paul Kenneth Pickard et al
Application No. 12/116,346
Filed: May 7, 2008
Attorney Docket No. 931_086 NP

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 23, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not get to the proper deciding official in time to process the petition prior to the patent issue. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

The request for continued examination (RCE) filed March 23, 2012 is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the $930 filing fee and the $130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/16/2011

TO SPE OF : ART UNIT 3723 Joseph Hail (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/116353 Patent No.: 8034135

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Certificates of Correction Branch

571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE

3723
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 2, 2011

In re Application of :

Zhen Wang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12116383

Filed : 07-May-2008

Attorney Docket No : 31534/43034A

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 2, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 1778 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12116383
Filing Date	07-May-2008
First Named Inventor	Zhen Wang
Art Unit	1778
Examiner Name	MATTHEW SAVAGE
Attorney Docket Number	31534/43034A
Title	COUPLING AGENT-REACTED MERCURY REMOVAL MEDIA

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	/Jennifer Burnette/
Name	Jennifer Burnette
Registration Number	64594

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED
SEP 03 2010
OFFICE OF PETITIONS

In re Application of	:	
Toshitsugu Takekuma, et al.	:	
Application No. 12/116,541	:	DECISION GRANTING PETITION
Filed: December 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 500.33011C15	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 2, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 back to the Office of Petitions for processing of the petition to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120. This application will be forwarded to Technology Center 2819 once a decision has been rendered on the petition filed under 35 U.S.C. § 120

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1800
ARLINGTON, VA 22209-3873

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of
Toshitsugu Takekuma, et al.
Application No. 12/116,541
Filed: May 7, 2008
Attorney Docket No. 500.33011C15

DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 2, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 08/596,724, filed February 5, 1996.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1):

A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

A review of USPTO records shows that the amendment as drafted is improper as each of the applications in the chain does not claim the benefit of Application No. 08/596,724. A grantable

petition is needed to correct the benefit claims in the other applications before the instant petition can be granted. See MPEP 201.11(III)(C).

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)).

As authorized, the $1410 fee required by 37 CFR 1.78(a)(6)(ii) will be charged to petitioner's Deposit Account No. 50-5066.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of
Toshitsugu Takekuma, et al.
Application No. 12/116,541
Filed: May 7, 2008
Attorney Docket No. 500.33011C15

DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 08/596,724, filed February 5, 1996.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1):

A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

A review of the written record shows that the amendment as drafted is improper as Application No. 08/773,753 does not properly claim benefit to 08/596,724. A petition is needed to correct the benefit claims to the other application.

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)).

Further correspondence with respect to this matter should be addressed as follows:

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Commissioner for Patents
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Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of
Toshitsugu Takekuma, et al.
Application No. 12/116,541
Filed: May 7, 2008
Attorney Docket No. 500.33011C15

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 8, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled

to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2819 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/116,541	05/07/2008	2819	5510	500.33011C15	91	6

CONFIRMATION NO. 7267

CORRECTED FILING RECEIPT

20457
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

OC000000047965466

Date Mailed: 05/31/2011

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)

Toshitsugu Takekuma, Ebina-shi, JAPAN;
Ryoichi Kurihara, Hadano-shi, JAPAN;
Akira Yamagiwa, Hadano-shi, JAPAN;

Power of Attorney:

Melvin Kraus--22466
Donald Stout--26422
Gregory Montone--28141
William Solomon--28565
Ronald Shore--28577
Alan Schiavelli--32087

Domestic Priority data as claimed by applicant

This application is a CON of 10/194,310 07/15/2002 PAT 7,372,292
which is a CON of 09/891,322 06/27/2001 PAT 6,420,900
which is a CON of 09/716,251 11/21/2000 PAT 6,441,639
which is a CON of 09/084,017 05/26/1998 PAT 6,172,517
which is a CON of 08/773,753 12/24/1996 PAT 5,818,253
which is a CON of 08/596,724 02/05/1996 PAT 5,627,481
which is a CON of 08/269,352 06/30/1994 PAT 5,548,226

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
JAPAN 05-334631 12/28/1993

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 07/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/116,541**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SIGNAL TRANSMITTING DEVICE SUITED TO FAST SIGNAL TRANSMISSION

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK, NY 10017

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Lauren Critelli	:	
Application No. 12/116,600	:	DECISION ON PETITION
Filed: May 7, 2008	:	TO WITHDRAW FROM
Attorney Docket No. CRIT-001	:	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 February 14, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because a review of the file record shows that Fariba Sirjani does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

It should be noted that the Office will no longer approve requests from practitioners to withdraw from an application where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

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 umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

In view of the above, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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THORPE, NORTH & WESTERN, LLP
P.O BOX 1219
SANDY, UT 84091-1219

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Tomasz J. Petelenz, et al.	:	
Application No. 12/116,605	:	ON PETITION
Filed: May 7, 2008	:	
Attorney Docket No.: 2865-20070502.NP	:	

This is a decision on the petition, filed March 15, 2011, to change the order of the names of the inventors under the provisions of 37 CFR 1.182.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2855.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/116,605	05/07/2008	2855	1432	2865-20070502.NP	20	3

CONFIRMATION NO. 7383

CORRECTED FILING RECEIPT

83211
THORPE, NORTH & WESTERN, LLP
P.O BOX 1219
SANDY, UT 84091-1219

OC000000047370828

Date Mailed: 04/26/2011

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)

Tomasz J. Petelenz, Salt Lake City, UT;
Stephen C. Jacobsen, Salt Lake City, UT;

Assignment For Published Patent Application

Raytheon Sarcos, LLC, Waltham, MA

Power of Attorney: The patent practitioners associated with Customer Number 20551

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/928,147 05/07/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 04/26/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/116,605**

Projected Publication Date: 07/07/2011

Non-Publication Request: No

Early Publication Request: No

Title

DIGITAL WOUND DETECTION SYSTEM

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application of :
Philip George Emma :
Application No. 12/116,771 : DECISION ON PETITION
Filed: May 7, 2008 :
Attorney Docket No. YOR920060010US2 :

This is a decision on the petition under 37 CFR 1.182, filed July 27, 2010, captioned as "PETITION UNDER 37 C.F.R. §1.182 TO EXPUNGE TERMINAL DISCLAIMER,", that is being treated as a request to withdraw the acceptance of the terminal disclaimer filed September 24, 2009. This is also a decision on the concurrently filed request for refund of the fees associated with the filing of the Terminal Disclaimer.

The petition to withdraw the acceptance of the terminal disclaimer is **GRANTED**.

The Request for Refund of Terminal Disclaimer fee is **DISMISSED**.

As an initial matter, petitioner should note that a Terminal Disclaimer cannot be expunged from the record since 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. However, as the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, there is no statutory prohibition against nullifying or otherwise cancelling the effect of a recorded terminal disclaimer before the application in which it is filed issues as a patent. Thus, if timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent.

The petition fee of $400, required for consideration of a petition under 37 CFR 1.182, has been charged to the Deposit Account 50-0510, as authorized.

Petitioner asserts that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

In regard to the request for refund of the fee paid on filing the Terminal Disclaimer, it is noted that the fee is required under 37 CFR 1.321. 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 such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d). In this instance, the $140 fee was required in filing the Terminal Disclaimer. Thus, even if the Terminal Disclaimer was filed by mistake, the fee paid therefor is not a fee paid by mistake and as such will not be refunded. Additionally, petitioner should note that 37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as here where, in response to the request from the petitioner, the acceptance of a previously recorded Terminal Disclaimer is being withdrawn, the fee paid previously for filing that Terminal Disclaimer will not entitle the party to a refund of such fee.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-4914

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

MAILED

MAR 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Sam Shiaw-Shiang Jiang	:	
Application Number: 12/116,975	:	NOTICE
Filing or 371(c) Date: 05/08/2008	:	
Attorney Docket Number: ASTP0410USA3	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on February 4, 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.

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. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

Cc: KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMEN AVENUE, STE 725
IRVINE CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED
MAR 11 2011
OFFICE OF PETITIONS

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of	:	
JIANG, SAM SHIAW-SHIANG	:	
Application No. 12/116,976	:	NOTICE
Filed: 05/08/2008	:	
Attorney Docket No. ASTP0411USA3	:	

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 4, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to Technology Center Art Unit 2618.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLER LAW GROUP, PLLC
25 STEVENS AVENUE
WEST LAWN PA 19609

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
BATEMAN, et al :
Application No. 12/117,058 :
Filed: May 8, 2008 :
Attorney Docket No. ALCAT CHAIR :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 9, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to Technology Center AU 3636 for appropriate action by the Examiner in the normal course of business on the reply received June 30, 2011.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
AUG 09 2010
OFFICE OF PETITIONS

In re Application of :
Rudolf Marka et al :
Application No. 12/117,063 :
Filed: May 8, 2008 :
Attorney Docket No. 18836-017001 / KP 417-P25

ON PETITION

This is a decision on the petition, filed August 5, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 15, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2875 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/17/11

TO SPE OF : ART UNIT 2875

SUBJECT : Request for Certificate of Correction for Appl. No.: 12117063 Patent No.: 7841731

CofC mailroom date: 02/02/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Diane Lee HU2875

Diane Lee

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110812

DATE : August 12, 2011

TO SPE OF : ART UNIT 2875

SUBJECT : Request for Certificate of Correction on Patent No.: 7,841,731

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: Diane Lee **Art Unit** 2875

Diane Lee

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111027

DATE : October 27, 2011

TO SPE OF : ART UNIT 2875

SUBJECT : Request for Certificate of Correction on Patent No.: 7,841,731

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:

DIANE I. LEE
SUPERVISORY PATENT EXAMINER

Staple Here Only

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. .: 7,841,731

APPLICATION NO .: 12/117,063

DATED .: NOVEMBER 30, 2010

INVENTOR(S) .: RUDOLF MARKA AND DIRK FRITZE

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On page 1, column 1, after Rudolf Marka, delete "Insmaning" and insert --**Ismaning**--.

MAILING ADDRESS OF SENDER:

Michael R. Hamlin
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111027

DATE : October 27, 2011

TO SPE OF : ART UNIT 2875

SUBJECT : Request for Certificate of Correction on Patent No.: 7,841,731

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:

Request for Certification of Correction filed on 4/13/11 is approved to enter.

/DIANE LEE/
Supervisory Patent Examiner.Art Unit 2875

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Patent No. 7,784,757	:	
Issue Date: August 31, 2010	:	
Application No. 12/117,119	:	DECISION ON PETITION
Filed: May 08, 2008	:	
Attorney Docket No. P100.12-0001	:	

This is a decision on the petition under 37 CFR 1.183 filed October 12, 2010, which is being treated as a petition under 37 CFR 3.81(b) to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

A Certificate of Correction was issued on November 23, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-4231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUGH P. GORTLER
23 Arrivo Drive
Mission Viejo, CA 92692

MAILED

NOV 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Branko Sarh, et. al.	:	
Application No. 12/117,153	:	ON PETITION
Filed: May 8, 2008	:	
Attorney Docket No. 08-0113	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 2010, to revive the above-Identified application.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Hugh Gortler appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **dismissed**.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (2) above.

Petitioner states "A petition fee of $540 has already been paid. Please apply that payment towards the petition fee of $1,620. The balance of $1,080 is being paid by credit card via Form PTO 2038, which is being submitted via facsimile on August 3, 2010."

Petitioner should note that the unavoidable petition under 37 CFR 1.137(a), filed on December 10, 2009, requires a petition fee of $540 and that fee cannot be applied towards the unintentional petition fee of $1,620. Since petitioner submitted $1,080 by credit card on August 3, 2010, this fee will be placed on hold until the remaining balance of $540 has been submitted.

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUGH P. GORTLER
23 Arrivo Drive
Mission Viejo, CA 92692

MAILED

FEB 28 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Branko Sarh, et. al.	:	
Application No. 12/117,153	:	
Filed: May 8, 2008	:	
Attorney Docket No. 08-0113	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 24, 2011, to revive the above-identified application.

In response to the decision mailed November 29, 2010, petitioner submits the present renewed petition.

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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

Petitioner states, "The balance of $540 is being paid separately by Credit Card Payment Form PTO-2038, which will be faxed to the Office." Unfortunately, the Office has yet to receive the $540 petition fee deficiency. Therefore, the renewed petition is again **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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAY 31 2011
OFFICE OF PETITIONS

HUGH P. GORTLER
23 Arrivo Drive
Mission Viejo, CA 92692

In re Application of Branko Sarh, et. al. Application No. 12/117,153 Filed: May 8, 2008 Attorney Docket No. 08-0113	: : : : :	ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 16, 2011, to revive the above-identified application.

In response to the decision mailed February 28, 2011, petitioner submits the present renewed petition on May 16, 2011, along with the $540 petition fee deficiency and $130 for a one month extension of time.

Since the petition complies with the requirements of 37 CFR 1.137(b), the petition is hereby **GRANTED**.

This application file is being referred to Technology Center Art Unit 3664 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petition

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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NSIP LAW
P.O. Box 34688
Washington, DC 20043

MAILED
JAN 20 2012
OFFICE OF PETITIONS

In re Application of Park et al. :
Application No. 12/117,253 : Decision on Petition
Filing Date: May 8, 2008 :
Attorney Docket No. 1101.0314 :

This is a decision on the petition under 37 CFR 1.137(b) filed December 8, 2011, which requests revival of the application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a proper manner to the final Office action issued May 12, 2011, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on August 13, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of request for continued examination and an amendment, (2) the required petition fee of $1,860, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2627 will be informed of the instant decision and the application will be further examined in due course.

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/117,296	05/08/2008	Lawrence K. Pierce	1434-023	8764

32905 7590 09/20/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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SEP 20 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Lawrence K. Pierce	: PETITION DECISION
Serial No.: 12/117,296	:
Filed: May 8, 2008	:
Attorney Docket No.: **1434-023**	

This is in response to the petition under 37 CFR § 1.59(b), filed September 8, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on September 8, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,296	05/08/2008	Lawrence K. Pierce	1434-023	8764

32905 7590 05/27/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 2 7 2011

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Lawrence K. Pierce	: PETITION DECISION
Serial No.: 12/117,296	:
Filed: May 8, 2008	:
Attorney Docket No.: **1434-023**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed May 23, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 8, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-01-11

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/117314 Patent No.: 7724577

CofC mailroom date: 11-21-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note:

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

Art Unit 2827

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BROOKS, CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE, SUITE 500
MINNEAPOLIS MN 55403

MAILED
SEP 28 2011
OFFICE OF PETITIONS

In re Application of	:	
SMITH et al	:	
Application No. 12/117,391	:	DECISION ON PETITION
Filed: May 8, 2008	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. 1001.0130001[2007-043900/	:	

This is a decision on the petition under 37 CFR 1.313(c), filed September 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 September 19, 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 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED

AUG 11 2010

OFFICE OF PETITIONS

In re Application of :
Han Nae Kim :
Application No.: 12/117,429 :
Filed: May 8, 2008 :
Attorney Docket No.: 30205/43734 :

ON PETITION

This is a decision on the petition, filed August 10, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 27, 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 2814 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 Congress Avenue, Suite 919
AUSTIN TX 78701

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SEP 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Francis Sullivan	:	
Application No. 12/117,533	:	DECISION DISMISSING PETITIONS
Filed: May 8, 2008	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. SPWK002US0	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 2, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment 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).

With respect to (3) above, 37 CFR § 1.78(a)(6) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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919 Congress Avenue, Suite 919
AUSTIN TX 78701

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Francis Sullivan	:	
Application No. 12/117,533	:	DECISION DISMISSING PETITIONS
Filed: May 8, 2008	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. SPWK002US0	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **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 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

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, a nonprovisional application in the continuity chain claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230 . All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2448 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/117,533	05/08/2008	2448	500	SPWK002US0	20	3

CONFIRMATION NO. 9241

CORRECTED FILING RECEIPT

48746
HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 Congress Avenue, Suite 919
AUSTIN, TX 78701

OC000000050114152

Date Mailed: 09/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)
Francis Sullivan, Round Rock, TX;

Assignment For Published Patent Application
SPICEWORKS, INC., Austin, TX

Power of Attorney: The patent practitioners associated with Customer Number 48746

Domestic Priority data as claimed by applicant
This appln claims benefit of 60/917,528 05/11/2007
and is a CIP of 12/041,480 03/03/2008
which claims benefit of 60/892,831 03/02/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/117,533**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

COMPUTER NETWORK SOFTWARE AND HARDWARE ASSET CONFIGURATION AND DISCOVERY SYSTEM AND METHOD

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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LEVINE BAGADE HAN, LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Richard Nuccitelli, et. al. :
Application No. 12/117,598 : DECISION ON PETITION
Filed: May 8, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. BEMCNZ00400 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 6, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) 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.

This application is being forwarded to Technology Center Art Unit 3736 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
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
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/117,598	05/08/2008	3736	435	BEMCNZ00400	20	2

CONFIRMATION NO. 9359

CORRECTED FILING RECEIPT

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

OC000000050415210

Date Mailed: 10/17/2011

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)

Richard Nuccitelli, Millbrae, CA;
Pamela Nuccitelli, Millbrae, CA;
Shr-Kai Liau, Morrisville, NC;
Uwe F. Pliquett, Heilbad Heiligenstadt, GERMANY;
Changyi Li, Laurel, MD;
Suman Narsing, Herndon, VA;
Brian Athos, Pleasanton, CA;
Saleh Sheikh, Hampton, VA;

Assignment For Published Patent Application

BioElectroMed Corp., Burlingame, CA

Power of Attorney: The patent practitioners associated with Customer Number 40518

Domestic Priority data as claimed by applicant

This application is a CIP of 11/031,188 01/07/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/20/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/117,598**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

HAND-HELD ELECTRIC FIELD IMAGER FOR MEASURING THE ELECTRIC FIELD IN MAMMALIAN SKIN AND OTHER EPITHELIAL STRUCTURES

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,639	05/08/2008	Ung-Yeon YANG	122991-0012	9418

22429 7590 09/19/2011
LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER
CHEN, GEORGE YUNG CHIEH

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
09/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 19 2011

Yoon S. Ham
Lowe Hauptman Ham & Berner, LLP
1700 Diagonal Road
Alexandria, Virginia 22314

In re application of
Ung-Yeon Yang et al
Application No. 12/117,639
Filed: May 8, 2008

: **DECISION ON PETITION**
: **TO ACCEPT COLOR DRAWINGS**
: **UNDER 37 C.F.R. SECTION 1.84(b)(2)**

For: USABILITY EVALUATION METHOD AND SYSTEM OF VIRTUAL MOBILE INFORMATION APPLIANCE

This is a decision on the petition under 37 CFR 1.84(b)(2), filed July 25, 2008, requesting acceptance of color drawings. The petition requests that the color photograph drawings, specifically identified as color drawing in Figures 6-15, be accepted in lieu of black and white drawings.

The petition is **GRANTED.**

Rule 37 CFR 1.84(b)(2) states that color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

Rule 37 CFR 1.84(a)(2) specifies that the petition must be accompanied by a fee set forth under 37 CFR 1.17(h), three (3) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph of the brief description of the drawings:
"*The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.*"

This petition properly includes:

(i) The fee set forth in § 1.17(h);
(ii) Three (3) sets of color drawings;
(iii) An amendment to the specification to insert the following language as the first paragraph of the brief description of the drawings:
"*The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.*"

Applicant is requesting the acceptance of color photograph drawings because color photograph drawings are necessary in order to properly illustrate detailed diagram of an online product design evaluation tool, an online product design creation/modification tool, a hand interface based usability evaluation tool, a virtual prototyping based usability evaluation tool, a diagram depicting a virtual product design modification and action simulation group, diagrams depicting an ergonomic based hand load evaluation group, a display device of a mixed reality usability evaluation platform group, and schematically describing the present invention in Figures 6-15. The criteria for accepting color photograph drawings in a patent application is set forth in MPEP 608.02 and 37 C.F.R. 1.84(a)(2), 1.84(b)(1) and 1.84(b)(2):.

37 C.F.R Section 1.84(a)(1) and (2), Standards for Drawings, sets forth the following:

> § 1.84 Standards for drawings.
> (a) Drawings . There are two acceptable categories for presenting drawings in utility and design patent applications.
> (1) Black ink . Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or
> (2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:
> (i) The fee set forth in § 1.17(h);
> (ii) Three (3) sets of color drawings;
> (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings: The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

37 C.F.R. Section 1.84(b)(1) and (2) set forth the following regarding photographs:

> (b) Photographs .—
> (1) Black and white . Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed

invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), auto-radiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2) Color photographs . Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

Figures 6-15 contain complex multi-colored graphs and photographs that would lose certain features if reproduced in black and white and thus color is necessary to preserve the features and disclose the subject matter for these figures. In the instant application, it is considered that color drawings are the only practical medium for disclosing the subject matter to be patented in Figures 6-15. Therefore, the color drawings of Figures 6-15 have been accepted.

Any questions regarding this decision should be directed to Supervisory Patent Examiner John Hayes.

The petition is **GRANTED**.

/John Hayes/

John Hayes
Supervisory Patent Examiner, Art Unit 3628
Patent Technology Center 3600
(571) 272-6708

jh: 9/15/11

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Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application No. 12/117,656	:	
Tomar et al.	:	DECISION ON
Filed: May 8, 2008	:	REQUEST FOR
Attorney Docket No. 088245-1751	:	RECONSIDERATION OF
Title: MAPPING PROGRAMMABLE	:	PATENT TERM ADJUSTMENT
LOGIC DEVICES	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)," filed on August 9, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is six hundred and ninety (690) days, not four hundred and ninety-two (492) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

To the extent that the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, Applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, Applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

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[1] For example, if Applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then Applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of
Roger D. Burdi, et al.
Application No.: 12/117,789
Filed: May 9, 2008
Attorney Docket No.: 128029-00117

ON PETITION

This is a decision on the petition, filed January 7, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on 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 2856 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the 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.*

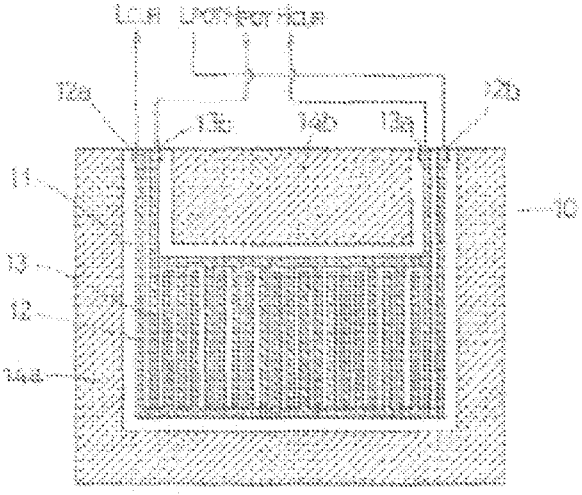
4

CAPACITANCE SENSOR AND CAPACITANCE SENSOR DEVICE

Publication number: JP9043187 (A)
Publication date: 1997-02-14
Inventor(s): NAKAYAMA TAKEYUKI +
Applicant(s): KOBE STEEL LTD +
Classification:
- international: *G01F23/26; G01N27/22; G01R27/26;* G01F23/22; G01N27/22; G01R27/26; (IPC1-7): G01F23/26; G01N27/22; G01R27/26
- European:
Application number: JP19950196863 19950801
Priority number(s): JP19950196863 19950801

Abstract of **JP 9043187 (A)**

PROBLEM TO BE SOLVED: To reduce the influence of an electrical noise due to stray capacity and to stably measure the capacitance even in a large amount of measuring sample by connecting the combteeth part of a pair of combteeth-shaped electrodes to separately provided terminal for applying voltage and terminal measurement in four-terminal configuration. SOLUTION: Connection terminals (signal terminals) 12a and 13a for applying voltage and connection terminals for measurement (detection terminals) 12b and 13b are provided at both terminals of a connecting part for connecting each combtooth of a pair of combteeth-shaped electrodes 12 and 13 of a capacitance sensor 10 arranged on the surface of an insulation substrate 11 to form the connection terminal in four-terminal configuration. Then, signal cables LCUR and HCUR for an LCR meter for measurement are connected to the terminals 12a and 13a and detection cables LPOT and HPOT are connected to the terminals 12b and 13b. By measuring capacitance with the four-terminal configuration, the influence of residual impedance can be reduced since the signal cables LCUR and HCUR and detection cables LPOT and HPOT are independent and measurement accuracy can be improved since no induction coupling is included between the cables.



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(19)日本国特許庁（JP）　(12) 公開特許公報（A）　(11)特許出願公開番号

特開平9－43187

(43)公開日　平成9年(1997)2月14日

(51)Int.Cl.⁶	識別記号	庁内整理番号	FI		技術表示箇所
G01N 27/22			G01N 27/22	Z	
G01F 23/26			G01F 23/26	A	
G01R 27/26			G01R 27/26	C	

審査請求　未請求　請求項の数9　OL　（全 6 頁）

(21)出願番号　特願平7－196863

(22)出願日　平成7年(1995)8月1日

(71)出願人　000001199
株式会社神戸製鋼所
兵庫県神戸市中央区脇浜町1丁目3番18号

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株式会社神戸製鋼所神戸総合技術研究所内

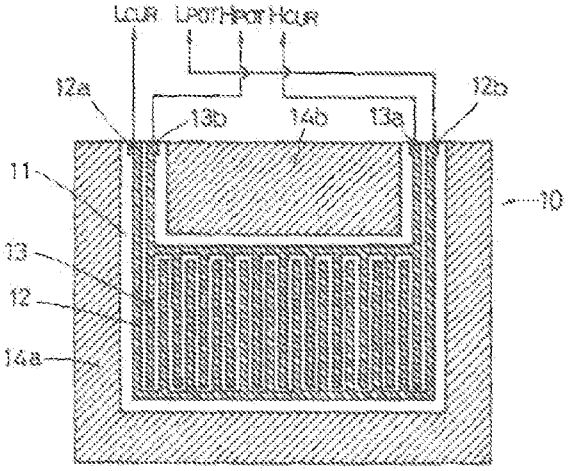
(74)代理人　弁理士　樋口　久一

(54)【発明の名称】　静電容量センサ及び静電容量センサ装置

(57)【要約】

【課題】　浮遊容量による電気的ノイズの影響を小さくして電気容量の測定が可能であり、大量の測定試料にセンサを挿入して測定を行う場合においても安定した測定が可能である静電容量センサを実現する。

【解決手段】　絶縁基材11の表面に、一対の櫛歯状電極12，13を組み合わせて配置し、各櫛歯状電極12，13における両端の櫛歯部を、個別に設けられた電圧印加用端子12a，13a及び測定用端子12b，13bと接続して4端子構成にしたことを特徴とする。



1

【特許請求の範囲】

【請求項1】　絶縁基材の表面に、一対の櫛歯状電極を組み合わせて配置し、前記各櫛歯状電極における両端の櫛歯部を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にしたことを特徴とする静電容量センサ。

【請求項2】　絶縁基材の表面に、一定の間隔を空けて一対の電極を所定のパターンで配置し、前記所定のパターンにおける始点及び終点を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にしたことを特徴とする静電容量センサ。

【請求項3】　前記所定のパターンが渦巻状、蛇行状である請求項2記載の静電容量センサ。

【請求項4】　絶縁基材の表面に、多数の帯状電極を平行配置し、前記帯状電極を端からひとつ置きに第1の導線を用いて接続し、残された前記帯状電極について端からひとつ置きに第2の導線を用いて接続し、前記各導線の両端を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にしたことを特徴とする静電容量センサ。

【請求項5】　前記電極の周囲にシールドプレートを備えてなる請求項1～4のいずれかに記載の静電容量センサ。

【請求項6】　前記絶縁基材の背面にシールドプレートを備えてなる請求項1～5のいずれかに記載の静電容量センサ。

【請求項7】　前記電極及び／または前記シールドプレートが絶縁体によって被覆されている請求項1～6のいずれかに記載の静電容量センサ。

【請求項8】　前記絶縁基材の両面に請求項1～5のいずれかの静電容量センサを備えてなることを特徴とする静電容量センサ。

【請求項9】　請求項1～8のいずれかの静電容量センサを略直略V字状をなす本体に取り付けるか、または前記絶縁基材の側面を略V字状に形成し、測定対象に対する前記静電容量センサの挿入深さを一定にするため、及び挿入後の前記静電容量センサを安定させるためのスタビライザを前記本体または前記絶縁基材における挿入側と反対側に設け、電圧印加用端子及び測定用端子を測定装置に接続するための接続線またはコネクタを、前記本体または前記絶縁基材に備えてなることを特徴とする静電容量センサ装置。

【発明の詳細な説明】

【0001】

【発明の属する技術分野】本発明は、物質の静電容量を測定する際に用いる静電容量センサ及び静電容量センサ装置に関するものである。

【0002】

【従来の技術】従来、静電容量センサの基本構成としては、図11に示すように、二枚の金属板電極50，51

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を平行配置し、それらの電極の間の試料を測定するものが知られている。この種の静電容量センサに関し、静電容量測定値を上げて測定精度を高めようとする場合には、電極板の面積を大きくし、電極板の間隔を狭くする必要がある。しかしながら、電極板の間隔を狭くすると、試料の厚さが制限されることになり、また、試料が流体である場合には、電極間に目詰まりを起こしやすくなる。

【0003】これらの対策として、例えば特開平3－142352号に示されるように、平面上に、互いに組み合わされた一対の櫛状電極を形成した平面型誘電率測定センサが提案されている。また、特開平4－350550号では、一対の螺旋状または櫛状パターンからなる電極を、互いに離間させた状態で平面上に形成した静電容量型センサが提案されており、アルコール混合比センサ，液レベルセンサ，オイル汚れセンサとして利用できるようになっている。図12は上記櫛状パターンを示したものであり，絶縁基板52上に一対の櫛状電極53，54が組み合わされて配置され、各電極には測定装置と接続するための接続端子53a，54aが備えられている。

【0004】

【発明が解決しようとする課題】静電容量の測定方法としては、電圧を印加するための信号ケーブルと測定のための検出ケーブルが測定試料までそれぞれ独立しているいわゆる4端子方式が優れている。図13の模式図は，測定装置であるHEWLET PACKRD 4263A LCRメータの取扱説明書から引用したものである。同図に示すように、安定した静電容量測定を行うためには、信号ケーブルL_{cur}，H_{cur}と検出ケーブルL_{pot}，H_{pot}が測定試料直前まで独立していることが望まれる。

【0005】上記した従来の静電容量センサを用いて測定を行う場合、信号ケーブルと検出ケーブルは電極端子でつながっているため、それらの独立性が無くなっており、その結果、電極を介して試料を測定する2端子方式となる。上記した平面型誘電率測定センサまたは、静電容量型センサの構成では、電気容量測定値を上げて測定精度を高めるべく電極長さを長くすればするほど、信号ケーブルと検出ケーブルの独立性は失われることになる。

【0006】また、静電容量の測定においては、浮遊容量による電気的ノイズの影響が問題となる。すなわち、静電容量センサを大量の測定試料に挿入して測定を行う場合や、周辺に例えばモータ等の電気的ノイズ発生源があるような場合では、浮遊容量による電気的ノイズの影響が大きく現れ、安定した測定ができなくなることがある。このような問題は、上記した平面型誘電率測定センサや上記静電容量型センサにおいても例外ではない。

【0007】本発明は以上のような従来の静電容量センサの課題を考慮してなされたものであり、浮遊容量によ

る電気的ノイズの影響を小さくして静電容量の測定が可能であり、大量の測定試料にセンサを挿入して測定を行う場合においても安定した測定が可能である静電容量センサ及び静電容量センサ装置を提供するものである。

【0008】

【課題を解決するための手段】第一の本発明は、絶縁基材の表面に、一対の櫛歯状電極を組み合わせて配置し、各櫛歯状電極における両端の櫛歯部を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にした静電容量センサである。

【0009】第二の本発明は、絶縁基材の表面に、一定の間隔を空けて一対の電極を所定のパターンで配置し、所定のパターンにおける始点及び終点を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にした静電容量センサである。上記所定のパターンの具体例としては、渦巻状、蛇行状のものが示される。

【0010】第三の本発明は、絶縁基材の表面に、多数の帯状電極を平行配置し、帯状電極を端からひとつ置きに第1の導線を用いて接続し、残された帯状電極について端からひとつ置きに第2の導線を用いて接続し、各導線の両端を、個別に設けられた電圧印加用端子及び測定用端子と接続して4端子構成にした静電容量センサである。

【0011】上記本発明を用い4端子法による測定を行えば、信号ケーブルと検出ケーブルがそれぞれ独立しているため、ケーブルの残留インピーダンスの影響を減らすことができる。また、それぞれのケーブル間の誘導結合を含まないため測定精度を向上させることができる。

【0012】また、本発明の電極の周囲にはシールドプレートを備えることが好ましい。また、絶縁基材の背面にシールドプレートを備えることもできる。また、電極及び／またはシールドプレート表面を絶縁体によって被覆することができる。電極を絶縁被覆した場合には、本発明を導電性の高い測定対象物にも適用することができる。

【0013】また、絶縁基材の両面に上記した静電容量センサを備えることもできる。この場合、各面の静電容量センサから得られる静電容量の和が測定結果となるため、静電容量センサのコンパクト化が図れる。

【0014】第四の本発明は、請求項1～8のいずれかの静電容量センサを側面略V字状をなす本体に取り付けるか、または絶縁基材の側面を略V字状に形成し、測定対象に対する静電容量センサの挿入深さを一定にするため、及び挿入後の静電容量センサを安定させるためのスタビライザを本体または絶縁基材における挿入側と反対側に設け、電圧印加用端子及び測定用端子を測定装置に接続するための接続線またはコネクタを、本体または絶縁基材に備えてなる静電容量センサ装置である。

【0015】

【発明の実施の形態】以下、図面に示した実施例に基づいて本発明を詳細に説明する。

図1は、第一の発明の静電容量センサに係る一実施例を示したものである。同図において、静電容量センサ10は、絶縁基材としての絶縁基板11平面上に、一対の櫛歯状電極12，13を組み合わせて配置したものであり、櫛歯状電極12については、櫛歯を連絡している連絡部の両端、すなわち櫛歯の背の部分の両端にそれぞれ電圧印加用接続端子（以下信号端子と呼ぶ）12aと測定用接続端子（以下検出端子と呼ぶ）12bを設け、また、櫛歯状電極13についても同様に信号端子13aと検出端子13bを設け、それにより接続端子を4端子構成としている。なお、一対の電極12，13の外周部には、導電性を有するシールドプレート14a及び14bが配置されている。

【0016】図2～図4は、第二の発明の静電容量センサに係る実施例を示したものである。図2は電極を渦巻状に形成したものであり、図3及び図4は蛇行状に形成したものである。詳しくは、図2に示す静電容量センサの構成は、絶縁基板15の表面に、互いに一定の間隔を空けて離間した一対の電極16，17を渦巻状としての所定のパターンで形成し、その所定パターンにおける始点及び終点を、電極16については個別に設けられた信号端子16aと検出端子16bに接続し、電極17については検出端子17bと信号端子17aに接続し、4端子構成にしたものである。なお、図中符号19に示す破線部分については、電極を絶縁基板15中に埋設している。

【0017】図3において、20は基板、21，22は一対の電極、21a及び21bは一方の電極21に備えられた信号端子及び検出端子であり、22a及び22bは他方の電極22に備えられた信号端子及び検出端子である。23a，23bはシールドプレートである。なお、図中破線部分は基板20中に埋設された電極部分である。

【0018】図4は基板20表面に電極25，26を平行して蛇行状に形成したものであり、25，26は一対の電極、25a及び25bは一方の電極25に備えられた信号端子及び検出端子であり、26a及び26bは他方の電極26に備えられた信号端子及び検出端子である。なお、図3と同じ構成要素については同一符号を付してその説明を省略する。

【0019】図5～図7は第三の発明の静電容量センサに係る実施例を示したものである。図5において、静電容量センサ29は、絶縁基板30上に個数個平行に配列された帯状電極板31を有し、この電極板31と接続端子32は、以下に説明する図6または図7に従って接続されている。

【0020】即ち、図6に示す結線図は、電極板31_1～31_nについて、電極板31_1，31_3…を端からひとつ置きに第1の導線34を用いて接続し、残された電極板31_2，31_4…についてもひとつ置きに第2の導

線３５を用いて接続し、導線３４の両端、及び導線３５の両端に、信号端子３２ａと検出端子３２ｂ、及び信号端子３３ａと検出端子３３ｂを設けて４端子構成にしたものである。

【００２１】一方、図７に示す結線図は、電極板31_1→31_2→31_3…31_mの順に導線３６を用いて接続し、残された電極板31_2→31_3→31_4…31_mの順に導線３７を用いて接続し、導線３６の両端、及び導線３７の両端に、信号端子３２ａと検出端子３２ｂ、及び信号端子３３ａと検出端子３３ｂを設けて４端子構成にしたものである。なお、図５における符号３３はシールドプレートを示す。

【００２２】図８は第四の発明の静電容量センサ装置の構成を示したものである。同図に示す静電容量センサ装置４０は、測定対象に対して挿入が容易になるように絶縁基材である本体４１の側面４１ａが略Ｖ字状に形成されており、その平面に静電容量センサが取り付けられている。静電容量センサの電極４２は、図６または図７に示した接続構造によって配線されており、二組の電極群42_1、及び43_1から構成されている。各電極群の両端からはリード線４４が延出されている。このリード線４４は、それぞれ測定用ＬＣＲメータのHi_{cx}、Li_{cx}、Hi_{px}、Li_{px}の各端子に接続されるようになっている。なお、リード線４４はシールド線を使用することが好ましい。また、本実施例では、リード線４４と静電容量センサ装置４０を直接接続しているが、これに限らず、防滴型のコネクタを用いることもできる。また、電極42_1，43_1の外周には、導電性を有するシールドプレート４５が配置されており、このシールドプレート４５は、リード線４４のシールド導体或いは導線を用いて測定用ＬＣＲメータのグランド端子に接続するようになっている。

【００２３】また、本体４１の上端寄りには、静電容量センサ装置４０の挿入深さを一定にするため、及び挿入後の静電容量センサ装置４０を安定させるための棒状のスタビライザ４６が反対向きに２組み取り付けられている。

【００２４】

【実施例】図８に示す静電容量センサ装置４０を用い、麹菌における米麹の電気容量の変化を測定した。麹菌の培養は、以下の方法で行った。白米１ｋｇを蒸し、放冷した後麹菌（Aspergillus Oryzae）を接種して約６cmの高さに盛り、３０℃にて培養した。測定は、本実施例の静電容量センサ装置と図３に示した従来例のセンサとを白米に差し込んで測定を行った。

【００２５】本実施例の静電容量センサによる測定結果を図９に示し、従来のセンサによる測定結果を図１０に示す。両図を比較することによって明らかなように、本実施例の静電容量センサによって測定された静電容量曲

線は、従来のセンサによる測定結果よりもバラツキが少なく極めて安定していることが確認された。なお、本発明において、上述した電極を絶縁被覆した場合には、導電性の高い測定対象物に適用することが可能になる。

【００２６】また、本発明においては、絶縁基材の両面に、上述した実施例の構成の静電容量センサを備えることもできる。この場合、各面の静電容量センサから得られる静電容量の和が測定結果となるため、静電容量センサのコンパクト化が図れる。

【００２７】

【発明の効果】以上説明したことから明らかなように、本発明によれば、浮遊容量による電気的ノイズの影響を小さくして測定対象の電気容量を測定することができるため、測定精度を高めることができる。また、大量の測定試料にセンサを挿入して測定を行う場合においても安定した測定が可能になるという長所を有する。

【図面の簡単な説明】

【図１】第一の発明の静電容量センサの構成を示す正面図である。

【図２】第二の発明の静電容量センサの構成を示す正面図である。

【図３】第二の発明の静電容量センサの他の例を示す正面図である。

【図４】第二の発明の静電容量センサのさらに他の例を示す正面図である。

【図５】第三の発明の静電容量センサの構成を示す正面図である。

【図６】図５に示すセンサの結線図である。

【図７】図５に示すセンサの他の結線図である。

【図８】第四の発明の構成を示す斜視図である。

【図９】本発明による静電容量測定結果を示すグラフである。

【図１０】従来の静電容量センサによる測定結果を示すグラフである。

【図１１】従来の静電容量センサの基本構成を示す説明図である。

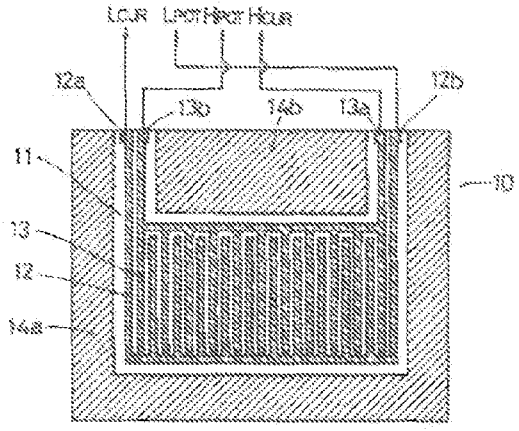
【図１２】従来の櫛歯状電極を備えた静電容量センサを示す正面図である。

【図１３】従来の２端子方式及び４端子方式による測定方法を示す模式図である。

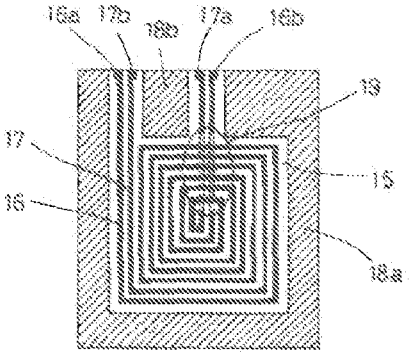
【符号の説明】

１０　静電容量センサ
１１　絶縁基板
１２　櫛歯状電極
１２ａ　電圧印加用接続端子
１２ｂ　測定用接続端子
１３ａ　電圧印加用接続端子
１３ｂ　測定用接続端子
１４ａ，１４ｂ　シールドプレート

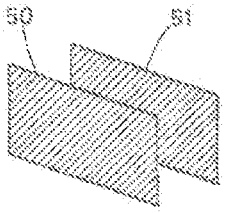
【図1】



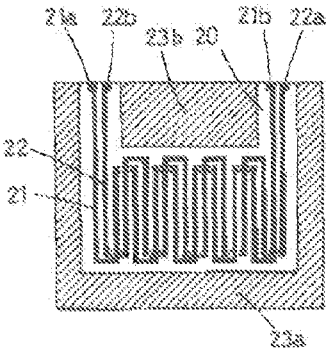
【図2】



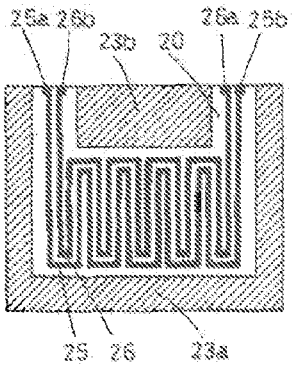
【図11】



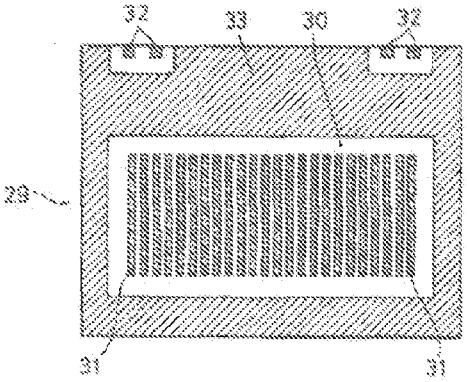
【図5】



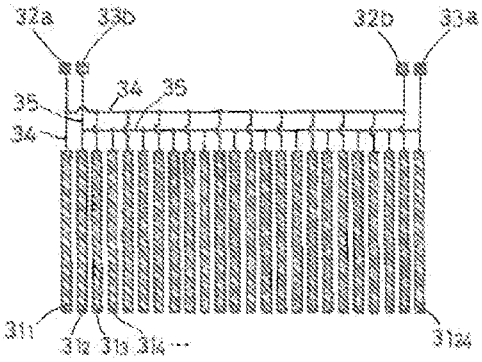
【図4】



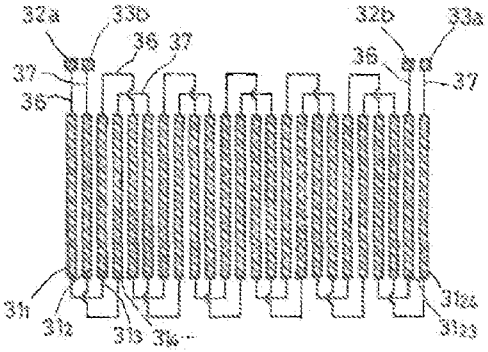
【図3】



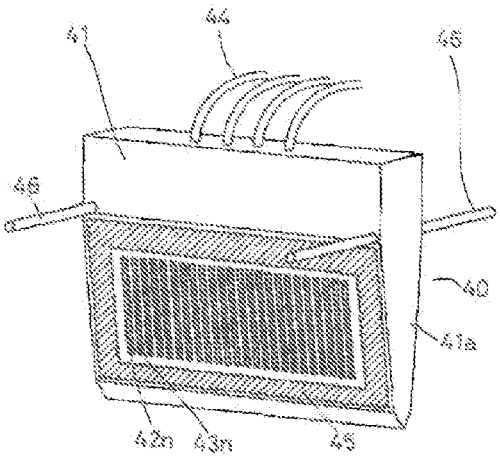
【図6】



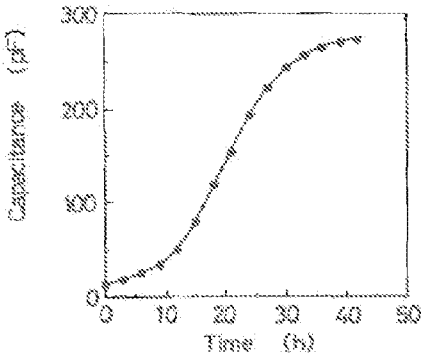
【図7】



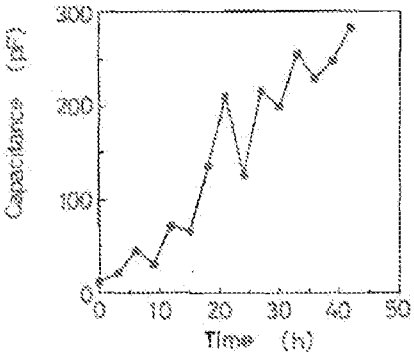
【図8】



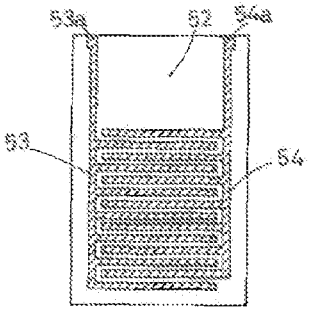
【図9】



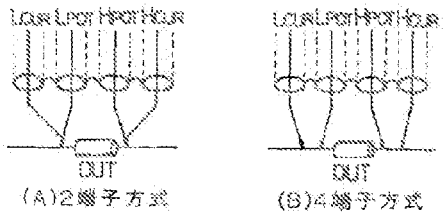
【図10】



【図12】



【図13】



(A)2端子方式　　(B)4端子方式

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Roger D. Burdi, et al.	:	
Application No.: 12/117,789	:	ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No.: 128029-00117	:	

This is a decision on the petition, filed May 24, 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 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2856 for further processing of the request for continued examination under 37 CFR 1.114 filed May 27, 2011.

/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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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of
Ryuji Suzuki
Application No. 12/117,822
Filed: May 9, 2008
Attorney Docket No.: 10053480US01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 3, 2012.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 30, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 30, 2011. On January 3, 2012, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 10, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,740 issue fee and $300 publication fee; (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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.
12/117,869	05/09/2008	Stephen A. Locarnini	BJS-2551-223	9860

23117 7590 10/06/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
PENG, BO

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
10/06/2011	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

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Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

B. J. Sadoff
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:
Locarnini	:Decision on Petition
Serial No.: 12/117,869	:
Filed : 9 May 2008	:
Attorney Docket No.: BJS-2551-223	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 26 September 2011 requesting reconsideration of the restriction requirement mailed15 September 2010.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice of MPEP Chapter 800.

On 15 September 2010, the examiner set forth a restriction requirement which divided claims 2-19 into five groups and then required an election of a specific HBV variant depending upon the domain or combination of domains domain.

On 15 February 2011, applicants elected Group II, and Domain A. Both elections were made with traverse.

On 24 March 2011, the examiner considered the traversal and made the restriction requirement final.

Claims 2-5, 13, 14, 18 and 19 were withdrawn from consideration under 37 CFR 1.42(b). Claims 6-12 and 15-17 were examined on the merits. Claims 6, 8-10, 12 and 15-17 were rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. Claims 6, 8-10 and 12 were rejected under 35 U.S.C. 112, 1st paragraph for lack of written description. Claims 7-12 and 15-17 were rejected under 35 U.S.C. 102(b) as being anticipated by or in the alternative under 35 U.S.C. 103 as being obvious over Ling et al. Claims 6-12 and 15-17 were rejected as being unpatentable over a series of US Patents. Claims 6-12 and 15-17 were provisionally rejected as being unpatentable over a series of patent applications.

On 26 September 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history of the instant application has been considered carefully.

Independent claim 6 is shown below:

> 6. (new) A method for determining the potential for an HBV to exhibit reduced sensitivity to a nucleoside analogue, said method comprising isolating DNA or corresponding mRNA from said HBV and screening for one or more mutation(s) in the nucleotide sequence encoding HBV DNA polymerase resulting in at least one amino acid substitution, deletion and/or addition in the A domain or D domain or E domain or a region proximal thereto of said DNA polymerase wherein the presence of such a mutation is an indication of the likelihood of resistance to said nucleoside analogue.

At the onset, it is noticed that the examiner has restricted between types of mutations which are listed as alternatives of a Markush claim 6.

Groups II, III and IV, as described in the restriction requirement, are set forth below;

> II. Claims 6-12, 15-18, insofar as drawn to a method of screening HBV mutant comprising one or more mutations in **A** domain corresponding to 421-436 of HBV polymerase, classified in class 435, subclass 320.1
>
> III. Claims 6-11, 13, 15-18, insofar as drawn to a method of screening HBV mutant comprising one or more mutations in **D** domain corresponding to 576-588 of HBV polymerase, classified in class 435, subclass 320.1.
>
> IV. Claims 6-11 and 14-18, insofar as drawn to a method of screening HBV mutant comprising one or more mutations in **E** domain corresponding to 592-600 of HBV polymerase, classified in class 435, subclass 320.1.

Concerning the propriety of a restriction requirement made between alternatives of a single claim, in February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species).52 If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement made between Groups II, III and IV is unwarranted and is re-formatted as a provisional election of species requirement.

Turning now to the merits of the petition, the petition correctly points out that internal contradiction between (1) requiring an election of species to mutations within a single domain (or combination of domains) and then (2) taking the position that mutations in the various domains would be obvious over each other.

> MPEP 808.01(a) states that **"Election of species should not be required between claimed species that are considered clearly unpatentable (obvious) over each other."** (Emphasis in the original.)"

In this instance, following consultation of the Supervisory Patent Examiner, the obviousness rejections are deemed unwarranted given the examiner's position that the species are patentably distinct over each other.

DECISION

The petition filed under 37 CFR 1.144 on 26 September 2011 is **GRANTED**.

The intraclaim restriction requirement between Group II, III and IV set forth on 15 September 2010 has been withdrawn in view of the FR Notice and re-formatted as an election of species requirement.

The obviousness type double patenting rejections over the various US Patents, the provisional obvious type double patenting rejections over the various patent applications and the rejection under 35 U.S.C. 103 have been withdrawn in view of the examiner's position made via the

provisional election of species requirement that the mutations in the various domains are patentably distinct from each other.

The application will be forwarded to the examiner to consider the papers filed 26 September 2011 in a manner consistent with this petition decision. Markush claims will be examined according to the guidance in the February 2011 Federal Register Notice.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

PTO/SB/20PCT-KR (06-10)
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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:	12/117,912	Filing date:	May 9, 2008
First Named Inventor:	Herman H. Viegas		
Title of the Invention:	HVAC MANAGEMENT SYSTEM FOR A VEHICLE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/063165

The international filing date of the corresponding PCT application(s) is/are: May 9, 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)**

- [x] 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.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/117,912
First Named Inventor:	Herman H. Viegas

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 February 16, 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 February 16, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /aaron k. nodolf/	Date February 3, 2011
Name (Print/Typed) Aaron K. Nodolf	Registration Number 62,081

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,912	05/09/2008	Herman H. Viegas	090402-9619-00	9948

23409 7590 02/04/2011
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER
ROGERS, LAKIYA G

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
VIEGAS, HERMAN H. et al	:	DECISION ON REQUEST TO
Application No. 12/117,912	:	PARTICIPATE IN PATENT
Filed: May 9, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 090402-9619-00	:	PROGRAM AND PETITION
Title: HVAC MANAGEMENT SYSTEM FOR A VEHICLE	:	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 Feb. 3, 2011, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Items #2 and 3, the applicant submitted a copy of KIPO/PCT search opinion indicating only claims
1-24 meet novelty, inventive step and industrial applicability. In the claims comparison, the applicant also indicated that these allowed claims by KIPO/PCT in the search opinion correspond to the US claims 1-24. The applicant failed to provide a copy of allowable claims 1-24 from the KIPO or PCT Office search opinion. Therefore, it is not possible to make comparison whether all pending US claims 1-24 are in fact correspond with the KIPO/PCT allowed claims 1-24. A copy of KIPO/PCT allowed claims 1-24 is required for comparison purpose.

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. Currently, the application is undergoing pre-examination processing.

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

PTO/SB/20PCT-KR (06-10)
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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:	12/117,912	Filing date:	May 9, 2008
First Named Inventor:	Herman H. Viegas		
Title of the Invention:	HVAC MANAGEMENT SYSTEM FOR A VEHICLE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/063165

The international filing date of the corresponding PCT application(s) is/are: May 9, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/117,912
First Named Inventor:	Herman H. Viegas

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 February 16, 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 February 16, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /aaron k. nodolf/	Date February 24, 2011
Name (Print/Typed) Aaron K. Nodolf	Registration Number 62,081

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.

PCT Claims

1. A vehicle comprising:

a frame;

a prime mover coupled to the frame, the prime mover operable in a first mode configured for driving the vehicle and a second mode configured for standby operation of the vehicle;

an alternator coupled to the prime mover;

a cabin supported on the frame, the cabin including walls defining a space and having insulation configured to insulate the space;

a heating, ventilation, and air conditioning ("HVAC") system coupled to the frame and in communication with the cabin to condition the space with an airflow, the HVAC system including a cooling system configured to cool the space, a heating system configured to heat the space, and a sorption system configured to dehumidify the airflow provided to the space;

a power source including a battery in electrical communication with the alternator, the battery further in electrical communication with the HVAC system to supply power to the HVAC system from the battery when the prime mover is in the first mode and when the prime mover is in the second mode.

2. The vehicle of claim 1, wherein the first mode corresponds to the prime mover in an "on" state, and wherein the second mode corresponds to the prime mover in an "off" state.

3. The vehicle of claim 1, wherein the insulation includes at least one vacuum insulation panel.

4. The vehicle of claim 1, wherein the insulation includes an aerogel.

5. The vehicle of claim 1, wherein the battery is configured to be charged by the alternator when the vehicle is in the first mode.

6. The vehicle of claim 1, further comprising at least one accessory, wherein the battery is in electrical communication with the accessory to supply power to the accessory when the prime mover is in the first mode and when the prime mover is in the second mode.

7. The vehicle of claim 1, wherein the power source includes a plurality of batteries.

8. The vehicle of claim 1, wherein the sorption system includes an inlet, an outlet, and a desiccant disposed between the inlet and the outlet, and wherein the sorption system is configured to receive the airflow via the inlet such that the airflow is configured to be dehumidified prior to discharge of the airflow through the outlet.

9. The vehicle of claim 8, wherein the cooling system includes an evaporator assembly, and wherein the evaporator assembly is in communication with the sorption system to receive the substantially dehumidified airflow from the sorption system.

10. The vehicle of claim 8, wherein the sorption system includes a first portion configured to adsorb moisture from the airflow received via the inlet, and a second portion configured to desorb moisture from the desiccant.

11. The vehicle of claim 1, further comprising a coolant circuit in communication with the prime mover, wherein the coolant circuit is further in communication with the heating system such that heat from the heating system is configured to warm the coolant circuit when the prime mover is in the second mode.

12. A method of operating a vehicle including a prime mover operable in a first mode configured for driving the vehicle, and operable in a second mode configured for standby operation of the vehicle, the method comprising:

providing a cabin including walls defining a space;

insulating the cabin;

providing a heating, ventilation, and air conditioning ("HVAC") system in the vehicle, the HVAC system including a cooling system having an evaporator assembly, the evaporator assembly including a cooling coil, the HVAC system further including a heating system having a heating coil, and a sorption system having a desiccant;

powering the HVAC system using a battery when the vehicle is in the first mode and when the vehicle is in the second mode;

circulating a refrigerant through the evaporator assembly;

circulating a coolant through the heating coil;

selectively directing an airflow through one of the sorption system and a bypass, the sorption system adsorbing moisture from the airflow using the desiccant such that the airflow is substantially dehumidified by the sorption system, and the bypass directing the airflow around the sorption system without directing the airflow through the sorption system;

directing the airflow from one of the sorption system and the bypass toward at least one of the evaporator assembly and the heater coil;

conditioning the airflow via heat exchange relationship with one of the refrigerant flowing through the evaporator assembly and the coolant flowing through the heater coil; and

conditioning the space using the conditioned airflow.

13. The method of claim 12, further comprising insulating the cabin using at least one vacuum insulation panel.

14. The method of claim 12, further comprising insulating the cabin using an aerogel.

15. The method of claim 12, further comprising

providing an alternator in communication with the prime mover; and

charging the battery using the alternator when the vehicle is in the first mode.

16. The method of claim 12, further comprising powering one or more accessories of the vehicle using the battery when the prime mover is in the first mode and when the prime mover is in the second mode.

17. The method of claim 12, further comprising heating the sorption system to desorb moisture from the desiccant.

18. The method of claim 12, further comprising

directing the airflow through a first portion of the sorption system; and

contemporaneously adsorbing moisture from the airflow using the desiccant in the first portion and desorbing moisture from the desiccant in a second portion of the sorption system by heating the second portion.

19. The method of claim 12, further comprising

providing a coolant circuit of the vehicle in communication with the prime mover; and

warming the coolant circuit via heat transfer with the heating system when the prime mover is in the second mode.

20. The method of claim 12, further comprising

cooling the space using the cooling system and the sorption system; and

heating the space using the heating system.

21. The method of claim 20, wherein cooling the space includes

dehumidifying the airflow using the sorption system; and

cooling the space via heat transfer between the airflow and the refrigerant flowing through the cooling coil.

22. The method of claim 20, wherein heating the space includes heating the space via heat transfer between the airflow and the coolant flowing through the heating coil.

23. A vehicle comprising:

a frame;

a prime mover coupled to the frame; and

a cabin supported on the frame and including walls defining a space, the walls having insulation defined by at least one of a vacuum insulation panel and an aerogel;

a sorption system including an inlet, an outlet, and a desiccant, the inlet configured to direct an airflow over the desiccant, the desiccant configured to adsorb moisture from the airflow to discharge a substantially dehumidified airflow from the outlet;

a bypass configured to direct the airflow around the sorption system without directing the airflow through the sorption system, the airflow via the bypass defining a non-dehumidified airflow; and

at least one housing in communication with the space, the at least one housing including a portion of a cooling system having a cooling coil in communication with the sorption system and the bypass to selectively receive one of the substantially dehumidified airflow via the outlet and the non-dehumidified airflow via the bypass, the housing further including a portion of a heating system having a heating coil in communication with at least one of the sorption system and the bypass to selectively receive one of the substantially dehumidified airflow via the outlet and the non-dehumidified airflow via the bypass, the received airflow configured to be conditioned by one of the cooling coil and the heating coil prior to discharge of the airflow into the space.

24. The vehicle of claim 23, wherein the insulation includes a plurality of vacuum insulated panels.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SMITH, David B.

MICHAEL BEST & FRIEDRICH LLP 100 East Wisconsin Avenue Suite 3300 Milwaukee WI 53202-4108 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **11 DECEMBER 2008 (11.12.2008)**

Applicant's or agent's file reference
090402-9619-WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/063165	**09 MAY 2008 (09.05.2008)**	

International Patent Classification (IPC) or both national classification and IPC

B60H 1/00(2006.01)i

Applicant

THERMO KING CORPORATION et al

1. This opinion contains indications relating to the following items:

- [X] 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
- [X] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3/9/2010

3. For further details, see notes to Form PCT/ISA/220.

CITE REFERENCES ON RELATED APPLICATIONS?

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	11 DECEMBER 2008 (11.12.2008)	CHUNG, KI HYUN Telephone No.82-42-481-5502

DOCKETED

☒ Docketed on: 3/11/09

Date: 12/18/08 MB

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/063165

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   - ☐ a sequence listing
   - ☐ table(s) related to the sequence listing

   b. format of material
   - ☐ on paper
   - ☐ in electronic form

   c. time of filing/furnishing
   - ☐ contained in the international application as filed.
   - ☐ filed together with the international application in electronic form.
   - ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/063165

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-24	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-24	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following document(cited in the ISR):

D1: US 2002/0002833 A1 (KLAPP et al.) 10 January 2002
D2: US 7032393 B2 (TAMAI et al.)25 April 2006
D3: JP 05-221233 A (NIPPON DENSO CO., LTD.) 31 August 1993

1. Novelty and Inventive Step

1.1 Claims 1-11

The subject matter of claim 1 differs from these prior art documents in that it include a prime mover operable in a first mode configured for driving the vehicle and a second mode configured for standby operation of the vehicle, and a cabin having insulation configured to insulate the space. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-11 are dependant on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 12-22

Claim 12 relates to a method of operating the subject matter according to claim 1. Claim 12 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 13-22 depend on claim 12 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

(Continued on Supplemental Sheet.)

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of :

Box V

1.3 Claims 23-24

The subject matter of claim 23 differs from these prior art documents in that it includes a cabin having insulation defined by at least one of a vacuum insulation panel and an aerogel, and a bypass configured to direct the airflow around the sorption system without directing the airflow through the sorption system. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 23 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 24 is dependant on claim 23 and therefore meets the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-24 are industrially applicable under PCT Article 33(4).

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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.
12/117,912	05/09/2008	Herman H. Viegas	090402-9619-00	9948

23409 7590 02/25/2011
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER
ROGERS, LAKIYA G

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
VIEGAS, HERMAN H. et al	:	DECISION ON REQUEST TO
Application No. 12/117,912	:	PARTICIPATE IN PATENT
Filed: May 9, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 090402-9619-00	:	PROGRAM AND PETITION
Title: HVAC MANAGEMENT SYSTEM FOR A VEHICLE	:	37 CFR 1.102(a)

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 Feb. 24, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, the SPE of Art Unit 3744 at 571-272-4834 for Class 62/236 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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Paper No.

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of :
Arrell et al. : DECISION ON PETITION
Application No. 12/117,954 :
Filed: May 9, 2008 :
Atty Docket No. 2008P05082US :

This is a decision on the Petition Under 37 CFR 1.8(b) to Withdraw Holding of Abandonment Based on Evidence that a Reply was Timely Filed filed September 27, 2011.

The above-identified application became abandoned for failure to file a reply to the final Office action mailed February 4, 2011. This Office action set a one-month period for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective May 5, 2011. A courtesy Notice of Abandonment was mailed on August 26, 2011.

In response, applicants promptly filed the instant petition. Applicants contend that a timely response was filed by facsimile transmission on March 29, 2011. In support thereof, applicants submit a copy of the response as filed, and a copy of the USPTO auto-reply acknowledging receipt of a facsimile transmission sent to the Office's centralized facsimile number at 571-273-8300.

Petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR § 1.8(b) have been met. The response (an amendment) is considered timely filed by facsimile transmission pursuant to 37 CFR § 1.6(d) on March 29, 2011.

In view thereof, the holding of abandonment is hereby **withdrawn**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1715 has been advised of this decision. The application is, thereby, forwarded for the Technology Center's technical support staff to withdraw the holding of abandonment and for forwarding to the examiner for consideration of the amendment previously filed on March 29, 2011 and resubmitted on petition filed September 27, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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INTELLECTUAL PROPERTY
DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of	:	
Arrell et al.	:	
Application No. 12/117954	:	
Filing or 371(c) Date: 05/09/2008	:	ON PETITION
Attorney Docket Number:	:	
2008P05082US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2011, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 4, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply to the Office action on September 27, 2011, along with a petition to withdraw the holding of abandonment; however, while the petition was granted, the reply failed to place the application in condition for allowance.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1715 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: PATRICK D. HERRON
BEUSSE WOLTER SANKS MORA & MAIRE
390 N. ORANGE AVENUE, SUITE 2500
ORLANDO, FL 32801

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The McConnell Law Firm
2115 St. Mary's Street
Raleigh NC 27608-1333

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Eric Allen Stegner et al.	:	
Application No. 12/117,963	:	DECISION ON PETITION
Filed: May 9, 2008	:	
Attorney Docket No. RPS920050175US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 final Office action mailed, September 22, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 23, 2009. A Notice of Abandonment was mailed on June 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Terminal Disclaimer, with the required fee of $140, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the Terminal Disclaimer is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received June 11, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Steven Bennett
15400 SW Knoll Parkway
Beaverton, OR 97006

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/117,982	05/09/2008	Elaine MERISKO-LIVERSIDGE	029318-1777	1111

31049 7590 11/22/2011
Elan Drug Delivery, Inc. c/o Foley & Lardner
3000 K Street, N.W.
Suite 500
Washington, DC 20007-5109

EXAMINER
SOROUSH, LAYLA

ART UNIT	PAPER NUMBER
1627	

MAIL DATE	DELIVERY MODE
11/22/2011	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.

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Elan Drug Delivery, Inc. c/o Foley & Lardner
3000 K Street, N.W.
Suite 500
Washington DC 20007-5109

In re Application of:
Merisco-Liversidge, et al.
Serial No.: 12/117,982
Filed: May 9, 2008
Attorney Docket No.: **029318-1777**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.181, filed November 8, 2011, requesting that the final Office action of July 8, 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 July 8, 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.

Remy Yucel
Director, Technology Center 1600

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THE HALLE BUILDING
CLEVELAND, OH 44115-1843

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application of :
Peter Tabery, et al. :
Application No.: 12/117,983 : ON PETITION
Filed: May 9, 2008 :
Attorney Docket No.: LUTZ 200866 :

This is a decision on the petition, filed September 21, 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 September 12, 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 2471 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MAY 31 2011

OFFICE OF PETITIONS

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of	:	
Gonzalez et al.	:	DECISION ON PETITION
Application No. 12/117,995	:	TO WITHDRAW
Filed: May 9, 2008	:	FROM RECORD
Attorney Docket No. UDAP0013U-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 April 6, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Richard Neifeld on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed April 29, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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JUN 28 2011

OFFICE OF PETITIONS

In re Application of Gonzalez et al. Application No. 12/117,995 Filed: May 9, 2008 Attorney Docket No. UDAP0013U-US	: : : : :	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 June 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Richard Neifeld, on behalf of all attorneys of record who are associated with Customer Number 31518.

All attorneys/agents associated with the Customer Number 31518 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed April 29, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Grupo Antolin-Ingenieria, S.A.
CTRA. Madrid-Irun, KM. 244,8
Burgos, 09007 Spain