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MAILED

MAY 26 2011

OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC.
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Patent No. 7,749,748 :
Issue Date: July 6, 2010 :
Application No. 12/118,056 : DECISION ON PETITION
Filed: May 9, 2008 :
Attorney Docket No. 119842.01 :

This is a decision on the Petition Under 37 C.F.R. §3.81, filed January 11, 2011, 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 urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, 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:

"Palo Alto Research Center, **Inc.**, Palo Alto, CA (US)"

to:

--Palo Alto Research Center **Incorporated**, Palo Alto, CA (US)--

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

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

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,749,748.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
333 BRIDGE STREET, NW
P.O. BOX 352
GRAND RAPIDS, MI 49501-0352

MAILED
OCT 29 2010
OFFICE OF PETITIONS

In re Application of :
Sam L. Blais :
Application No. 12/118,069 : ON PETITION
Filed: May 9, 2008 :
Attorney Docket No. Blais P1US3-CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 4, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 5, 2009.

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

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Thomas L. Lockhart 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.

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 number 12/857,085.

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/118,162	05/09/2008	Ryuta Inoue	90606.674/ym	1476

7590 01/26/2011

YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER	
WILLIAMS, THOMAS J	

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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P.O. BOX 37428
RALEIGH, NC 27627

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JAN 06 2011

OFFICE OF PETITIONS

In re Application of
Raymond Sydney Pengelly
Application No. 12/118,202
Filed: May 9, 2008
Attorney Docket No. 5300-854

ON PETITION

This is a decision on the petition, filed January 5, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 10, 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 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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	12118225
Filing Date	09-May-2008
First Named Inventor	Eiichiro Kimizuka
Art Unit	2852
Examiner Name	BILLY JAMES LACTAOEN
Attorney Docket Number	03500.149012.
Title	ELECTROPHOTOGRAPHIC IMAGE FORMING APPARATUS, CARTRIDGE, AND CARTRIDGE HOLDING MEMBER WITH LOCK AND LOCK RELEASING MEMBERS FOR RELEASABLY LOCKING CARTRIDGE TO THE CARTRIDGE HOLDING MEMBER

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	/Donald H. Heckenberg, Jr./
Name	Donald H. Heckenberg, Jr.
Registration Number	60081

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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Decision Date : December 5, 2011

In re Application of :

Eiichiro Kimizuka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12118225

Filed : 09-May-2008

Attorney Docket No : 03500.149012.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 5, 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 2852 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Yoshitaka TAKEUCHI	:	
Application No. 12/118,434	:	DECISION GRANTING PETITION
Filed: May 9, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **03500.015884.2**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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.*

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09-29-11-

TO SPE OF : ART UNIT 1624

Leeser (AU 1622)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/118437 Patent No.: 7943621

CofC mailroom date: 1624

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: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/12/11

TO SPE OF : ART UNIT 3711

SUBJECT : Request for Certificate of Correction for Appl. No.: 12118490 Patent No.: 7648141

CofC mailroom date:
12/22/10

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

[redacted]

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

/Gene Kim/ SPE 3711

SPE Art Unit

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
PAJOUHESH, Hassan et al. :
Application No. 12/118,492 : DECISION ON PETITION
Filed: May 09, 2008 : TO WITHDRAW
Attorney Docket No. **381092003000** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 03, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NEUROMED PHARMACEUTICALS, LTD.**
2389 HEALTH SCIENCES MAIL, UBC
SUITE 301
VANCOUVER BC V6T 1Z4

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

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Daniel J. Gregoire et al. :
Application No. 12/118,493 : ON PETITION
Filed: May 9, 2008 :
Attorney Docket No: B-6310 624406-8 :

This is a decision on the petition filed November 17, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file a proper reply to the non-Final Office Action mailed January 28, 2010. A response filed April 2, 2010 did not include fees for additional dependent claims and thus, a NOTICE REQUIRING EXCESS CLAIMS FEES, which set a one month period for reply, was mailed on April 21, 2010. No timely reply was filed and accordingly, a Notice of Abandonment was mailed November 10, 2010.

The petition fee and the additional claim fees have been charged to deposit account no. 12-0415.

This matter is being referred to Technology Center 1788 for appropriate action on the amendment filed April 2, 2010 and the further response filed with the instant petition.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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JAN 25 2011

OFFICE OF PETITIONS

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

In re Application of
Daniel J. Gregoire et al
Application No. 12/118,493
Filed: May 9, 2008
Attorney Docket No. B-6310-624406-8

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed January 10, 2011.

The request is **DISMISSED**.

A Petition for Revival was filed on November 17, 2010, for the above-identified application. The petition was treated as a petition under the provisions of 37 CFR 1.137(b). The petition was granted on December 6, 2010.

Applicant now files the above request for refund of the petition fee in the amount of $810.00 and states that "In reviewing our deposit account, we note that we were charged a revival fee of $810.00 for reviving the subject application despite explaining in our petition that the abandonment of the subject application was unintentional, unavoidable, and not the fault of the Applicant or its legal counsel." However, applicant is encouraged to note MPEP 711.03(c), which states:

> [T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), **regardless of whether the petition under 37 CFR 1.137 is dismissed or denied**; and (B) **will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee**.

In view of the above, the request for refund is dismissed as the petition under 37 CFR 1.137(b) was granted on December 6, 2010, and the fee is required for the filing of the petition on November 17, 2010.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 29, 2011

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/118,515 Patent No.: 7995862

CofC mailroom date: 07/06/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

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

Comments: _____

BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
SPE TECHNOLOGY CENTER 2600

2624
Art Unit

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SEMICONDUCTOR RESEARCH CORPORATION
P.O. BOX 12053
RESEARCH TRIANGLE PARK NC 27709

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Eric EISENBRAUN	:	
Application No. 12/118,671	:	DECISION ON PETITION
Filed: May 09, 2008	:	
Attorney Docket No. 8087-04-08/P1076	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before June 10, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 10, 2010. Accordingly, the date of abandonment of this application is June 11, 2010.

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

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

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

Michelle R. Eason
Paralegal Specialist
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	12118825
Filing Date	12-May-2008
First Named Inventor	Michael Montgomery
Art Unit	3765
Examiner Name	TAJASH PATEL
Attorney Docket Number	MMNT-0003
Title	PERSONAL DEBRIS SHIELD AND SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30184

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

10.40(c)(1)(iv)

Certifications

☒ 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	Mike Montgomery
Address	12 Briar Gate Court
City	Marietta
State	GA
Postal Code	30066
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Barry E. Kaplan/
Name	Barry E. Kaplan
Registration Number	38934

UNITED STATES 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 3,2011

In re Application of :

Michael Montgomery

Application No : 12118825

Filed : 12-May-2008

Attorney Docket No : MMNT-0003

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 3,2011

The request is **APPROVED.**

The request was signed by Barry E. Kaplan (registration no. 38934) on behalf of all attorneys/agents associated with Customer Number 30184 . All attorneys/agents associated with Cusotmer Number 30184 have been withdrawn.

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

Name	Mike Montgomery
Name2	
Address 1	12 Briar Gate Court
Address 2	
City	Marietta
State	GA
Postal Code	30066
Country	US

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

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

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : 3/31/2011

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/118841 Patent No.: 7897156 B2

CofC mailroom date: 3/25/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

/Zachariah Lucas/ — **SPE**

1648 — **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

Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington DC 20004

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
Jin Q. Cheng et al. :
Application No. 12/118,861 : DECISION ON PETITION
Filing Date: May 12, 2008 :
Attorney Docket No. **101889-5005-US05** :

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 7, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of drawing and sequence listing filed August 7, 2009, (2) the petition fee of $810 (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 17 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Shields et al.	:	DECISION ON PETITION
Application No. 12/118,942	:	TO WITHDRAW
Filed: May 12, 2008	:	FROM RECORD
Attorney Docket No. 128503-00102	:	

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 on September 1, 2010.

The request is **NOT APPROVED.**

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

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

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be approved at this time. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/118,978	05/12/2008	Gou TOMITA	051273-0369878	2145

7590 03/08/2011

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
HAROLD, JEFFEREY F	

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
03/08/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/119,058	05/12/2008	Mary C. Tannenbaum	49016-P023US-08008819	2304

29053 7590 10/27/2011

FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

EXAMINER	
JUNG, ALLEN J	

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
10/27/2011	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):

doipdocket@fulbright.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

OCT 26 2011

FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201-2784

In re Application of: Mary Tannenbaum	:	**DECISION ON PETITION**
Application No. 12/119,058	:	**TO WITHDRAW**
Filed: May 12, 2008	:	**RESTRICTION REQUIREMENT**
For: TRAVELER'S PACKAGE PICK-UP AND DELIVERY SERVICE	:	**UNDER 37 C.F.R. 1.144**

This is in response to applicant's petition filed under 37 C.F.R. 1.144 on December 10, 2009 to request that the August 4, 2009 restriction requirement be withdrawn.

The petition is **GRANTED.**

As applicant points out, claims 6-10 and 21-23 (Group I), claims 24-29(Group II), claims 30-34 (Group III) and claim 35 (Group IV) were restricted each from another as subcombinations usable together. Applicant alleges that the claims are drawn to different aspects of the same invention; and that the examiner failed to meet the necessary burden requiring the inventions to be independent or distinct as claimed and failed to show no serious burden if restriction is not required.

According to M.P.E.P. § 808, there are *"two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct as claimed"; and "(B) There would be a serious burden on the examiner if restriction is not required."*

M.P.E.P. §806.05(d) provides *that "two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants...The subcombinations 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 examiner must show, by way of example, that one of the subcombinations has utility other than the disclosed combination."*

Applicant argues that the examiner has failed to show that the subcombinations do not overlap in scope. Applicant further states that Groups I, II, III and IV all include an ID associated with items and with a merchant, and a time frame for delivery. Groups I, II, III and IV also include

retrieving/picking up the identified items from the identified merchant, and holding the retrieved items for a specified period of time.

Applicant also argues that there is no serious burden for examination of Groups I, III, and IV since all four Groups are in the same class and subclass, namely 705/1. By failing to provide evidence that the claims are drawn to recognized divergent subject matter or separate inventions, applicant further argues that the examiner has failed to demonstrate serious undue burden to examine all of the claims.

A review of the record indicates that applicant's arguments are persuasive and that there is an overlap in scope between the claimed inventions in each of the Groups I – IV.

In view of the findings above, the restriction requirement with regard to claims 1-35 is vacated. Accordingly, the application will be returned to the examiner to process the RCE and to examine claims 1-35.

Inquiries related to this decision may be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.

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

WC/LM: 10/20/2011
LM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of Castelijns et al. :
Application No. 12/119,104 : Decision on Petition
Filing Date: May 12, 2008 :
Attorney Docket No. 66777-0019 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed January 19, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 20, 2010 A Notice of Abandonment was mailed on May 4, 2010.

The instant petition requests revival of the application.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(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.

Petitioner has submitted a reply to the Notice of Allowance in the form of payment of the issue fee and publication fee. Petitioner has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 9,2011

In re Application of :

Michael Tilley

Application No : 12119110

Filed : 12-May-2008

Attorney Docket No : TSCE 0103 PUS

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 9,2011

The request is **APPROVED.**

The request was signed by Matthew R. Mowers (registration no. 44956) on behalf of all attorneys/agents associated with Customer Number 22045 . All attorneys/agents associated with Cusotmer Number 22045 have been withdrawn.

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

Name	Jeffrey Richardson/Attorney
Name2	The Scouting Edge, Inc.
Address 1	28545 Greenfield Road Suite 200
Address 2	
City	Southfield
State	MI
Postal Code	48076
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	12119110
Filing Date	12-May-2008
First Named Inventor	Michael Tilley
Art Unit	2168
Examiner Name	HASANUL MOBIN
Attorney Docket Number	TSCE 0103 PUS
Title	SYSTEM AND METHOD FOR MANAGEMENT AND PRESENTATION OF AUDIOVISUAL CONTENT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22045

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

10.40(b)(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	Jeffrey Richardson/Attorney The Scouting Edge, Inc.
Address	28545 Greenfield Road Suite 200
City	Southfield
State	MI
Postal Code	48076
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Matthew R. Mower/
Name	Matthew R. Mowers
Registration Number	44956

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/119,178	Filing date:	5/12/2008
First Named Inventor:	Custis, Daniel B.		
Title of the Invention:	EQUIPMENT LUBRICATING MICROBIAL COMPOSITIONS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/043679

The international date of the corresponding PCT application(s) is/are: 12 MAY 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/119,178
First Named Inventor:	Custis, Daniel B.

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 11 JUNE 2010 & 4 August 2010

(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 11 JUNE 2010 & 4 August 2010

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 *see attached paper regarding PCT Box VIII
4	4	minor amendment, identical scope
5	5	minor amendment, identical scope
6	6	minor amendment, identical scope
7	7	minor amendment, identical scope
8	8	minor amendment, identical scope
9	9	minor amendment, identical scope
10	10	minor amendment, identical scope
11	1	narrower in scope than claim 1, support in para. 27
12	12	minor amendment, identical scope
13	13	identical
14	14	identical
15	15	identical
16	16	identical
17	17	identical
18	18	identical scope *see attached paper regarding PCT Box VIII
19	19	identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Mark R. Engle/	Date 8/5/2010
Name (Print/Typed) Mark R. Engle	Registration Number 58,927

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/US2009/043679

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

ENGLE MARK R.

STANDLEY LAW GROUP LLP 6300 RIVERSIDE DRIVE
DUBLIN OH 43107 USA

RECEIVED
SEP 11 2009

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)* 31 AUGUST 2009 (31.08.2009)	
Applicant's or agent's file reference ADV2265-003B	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2009/043679**	International filing date *(day/month/year)* **12 MAY 2009 (12.05.2009)**

Applicant

ADVANCED BIOLOGICAL MARKETING et al

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:

   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-5207

STANDLEY LAW
Received for Date: 9.09 AD
MP 9/14/09

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that ammendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.
Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively .in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.
The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below,under "Statement under Article 19(1)").
The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

(i) the claim is unchanged;
(ii) the claim is cancelled;
(iii) the claim is new;
(iv) the claim replaces one or more claims as filed;
(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
   "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
   "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
   "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
   "Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be indentified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the proceduer before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion 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 (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to , the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **GTH7ZBFQ**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1064

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ENGLE MARK R.

STANDLEY LAW GROUP LLP 6300 RIVERSIDE DRIVE
DUBLIN OH 43107 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**31 AUGUST 2009 (31.08.2009)**
Applicant's or agent's file reference ADV2265-003B	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/043679	**12 MAY 2009 (12.05.2009)**	12 MAY 2008 (12.05.2008)

International Patent Classification (IPC) or both national classification and IPC

C10M 169/04(2006.01)i, C12N 11/00(2006.01)i, C10M 125/02(2006.01)i, C10N 40/06(2006.01)n

Applicant

ADVANCED BIOLOGICAL MARKETING 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
- [x] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	31 AUGUST 2009 (31.08.2009)	PARK, Hyung Dal Telephone No.82-42-481-5581

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/043679

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/US2009/043679

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	1-19	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-19	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims	NONE	NO

2. Citations and explanations :

The following document is cited in the International Search Report;

D1: WO 2007-030557 A3 (15 Mar 2007)
D2: JP 2001-518121 A (09 Oct 2001)

1. Novelty and Inventive Step

The subject matter of claims 1-19 differs from that of D1-D2 in that an equipment lubricating composition and a method thereof, comprise an useful microorganism which includes one of a talc or graphite as a particulate machine lubricant.

This technical feature of claims 1-19 is also not shown in any other prior art documents D1-D2, nor general knowledge of a person skilled in the art.

Accordingly, the subject matter of claims 1-19 is not anticipated by the prior art, nor obvious to a person skilled in the art.

Therefore, claims 1-19 are considered to be novel and to involve an inventive step under PCT Article 33(2)-(3).

2. Industrial Applicability

The claimed inventions are considered industrially applicable because it can be made or used in a lubricant industry under PCT Article 33(4).

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/043679

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:

The terms "about" and "; and" used in claims 2-3 and 18 do not meet the requirements of PCT Article 6 in that the matter for which protection is sought is vague and imprecise, thereby resulting in lack of clarity.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
ADV2265-003B		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2009/043679	**12 MAY 2009 (12.05.2009)**	12 MAY 2008 (12.05.2008)

Applicant

ADVANCED BIOLOGICAL MARKETING et al

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of **3** sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of :
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. _____
      ☐ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/043679

A. CLASSIFICATION OF SUBJECT MATTER

C10M 169/04(2006.01)i, C12N 11/00(2006.01)i, C10M 125/02(2006.01)i, C10N 40/06(2006.01)n

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 8: C10M 169/04

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean Utility Models and Applications for Utility Models: IPC as above

Japanese Utility Models and Applications for Utility Models: IPC as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

e-KIPASS (KIPO internal) : "lubricating", "microorganism", "cellulose", "encapsulation", "talc or graphite"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,A	US 2009-0093365 A1 (Walsh et al) 09 Apr 2009 See the whole document	1-19
A	WO 2007-030557 A3 (Harman et al) 15 Mar 2007 See abstract, Examples, and claims 1-34	1-19
A	JP 2001-518121 A (Lambert, et al) 09 Oct 2001 See abstract and claims 1-20	1-19

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
31 AUGUST 2009 (31.08.2009)	**31 AUGUST 2009 (31.08.2009)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

PARK, Hyung Dal

Telephone No. 82-42-481-5581

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2009/043679

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2009-0093365 A1	09.04.2009	NONE	
WO 2007-030557 A3	15.03.2007	CA 2620592 A1	15.03.2007
		EP 1928995 A2	11.06.2008
		WO 2007-030557 A2	15.03.2007
		WO 2007-030557 A3	15.03.2007
JP 2001-518121 A	09.10.2001	AU 1996-68647 B2	06.06.1996
		AU 700899 B2	14.01.1999
		CA 2223326 C	31.10.2006
		EP 0858496 A4	02.06.1999
		EP 0858496 A1	19.08.1998
		EP 0858496 B1	09.03.2005
		US 05888947 A	30.03.1999
		WO 1996-039476 A1	12.12.1996

CLAIMS

What is claimed is:

1. An equipment lubricating composition, comprising:

a water insoluble, water-absorbent substance;

an encapsulated microorganism component including:

an effective amount of viable microorganisms to inoculate; and

an encapsulating material which encapsulates the microorganisms; and

a particulate machine lubricant including at least one of talc and graphite.

2. The composition of claim 1, wherein the particulate machine lubricant comprises about 5-95% by weight of the equipment lubricating composition.

3. The composition according to claim 1, wherein a water insoluble, water-absorbent substance, wherein the water insoluble, water-absorbent substance is present in an amount of at least about 90% by total weight of the formulation and microorganisms mixed with the water

4. The formulation according to claim 2, wherein the water insoluble, water-absorbent substance is selected from the group consisting of zeolite, porous beads or powders, silica, ground agricultural products, porous wood products, cellulose, cyclodextrins, and combinations thereof.

5. The formulation according to claim 2, wherein the water insoluble, water-absorbent substance is cellulose powder.

6. The formulation according to claim 2, wherein the microorganisms are selected from the group consisting of fungi, bacteria, and combinations thereof.

7. The formulation according to claim 6, wherein the microorganisms are fungi.

8. The formulation according to claim 7, wherein the fungi is a species from the genus *Trichoderma*.

9. The formulation according to claim 6, wherein the microorganisms are bacteria.

10. The formulation according to claim 9, wherein the bacteria is a species from the genus *Bradyrhizobium*.

11. A preparation of viable microorganisms comprising the formulation of claim 1 wherein the encapsulated microorganism component is dissolved in solution.

12. A method of treating a plant or a plant seed with an equipment lubricating composition, said method comprising: providing a preparation according to claim 11 and applying the preparation to a plant or plant seed under conditions effective to treat the plant or plant seed.

13. The method according to claim 12, wherein the particulate machine lubricant is dispersed on the plant or plant seed.

14. A method of treating a plant or a plant seed with a microorganism, said method comprising: providing a formulation according to claim 2 and applying the formulation to a plant or plant seed under conditions effective to treat the plant or plant seed.

15. A method of producing an equipment lubricating composition, said method comprising:

providing an aqueous suspension of viable microorganisms;

contacting the aqueous suspension with an encapsulating material wherein said encapsulating material is capable of encapsulating the microorganisms;

combining the aqueous suspension with a water insoluble, water- absorbent substance under conditions effective to result in viable encapsulated microorganisms; and

combining the encapsulated microorganisms with a particulate machine lubricant.

16. The method according to claim 15, wherein the particulate machine lubricate comprises at least one of talc and graphite.

17. The method according to claim 16, wherein said combining step is carried out by kneading the aqueous suspension with the water insoluble, water- absorbent substance.

18. The method according to claim 15, further comprising:

drying the encapsulated microorganisms under conditions effective to maintain the viability of the microorganisms; and

19. The method according to claim 16, further comprising:

drying the encapsulated microorganisms with air under conditions effective to maintain the viability of the microorganisms.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	12/119,178	:	
Inventor:	Custis	:	
Filed:	05/12/2008	:	
Examiner:	KOSAR, AARON J	:	**PETITION TO MAKE SPECIAL UNDER PCT-PATENT PROSECUTION HIGHWAY**
GAU:	1797	:	
Atty. Docket:	ADV2265-003	:	
Conf. No.:	2525	:	
Title:	EQUIPMENT LUBRICATING MICROBIAL COMPOSITIONS	:	

FILED ELECTRONICALLY

This paper is filed alongside PTO/SB/20PCT-KR as part of a 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. More specifically, in the REMARKS, beginning on page 2 below, this paper identifies and explains why the claims are not subject to the observations described in Box VIII of the WO/ISA for PCT/US2009/043679.

REMARKS

Claims 1, 2, 4 - 19 remain pending in the present application.

Box No. VIII observation in WO/ISA for PCT/US2009/043679

In the WO/ISA for PCT/US2009/043679, Box No. VIII is indicated. The relevant observations apply to PCT claims 2 and 18, which correspond to claims 2 and 18, respectively, in the US application (claim 3 was canceled in this application).
More specifically, the PCT Examiner observed the following:

a) Claim 2: Examiner objects to the term "about" in claim 2, claiming that it result in a lack of clarity for that claim. According to the Examiner, this causes the claim to fail the requirements of PCT article 6
b) Claim 18: Due to an informality, claim 18 improperly ends in the term "; and".

With respect to Claim 2

Contrary to the observation cited in Box VIII, Applicant submits the term "about," as used in claim 2, is appropriate under U.S. patent practice in this context. Accordingly, applicant requests that examiner allow the claim. With respect to U.S. patent law, applicant submits that claim 2 is not subject to any observation in Box VIII.

With respect to Claim 18

U.S. claim 18 previously contained an informality. Claim 18 improperly ended in "; and". In response, a separately submitted preliminary amendment was filed August 4, 2010 in order to correct this minor informality. Accordingly, as currently amended, claim 18 is not subject to any observation in Box VIII.

Other claims

No other claim is subject to the observations listed in Box VIII of the the WO/ISA for PCT/US2009/043679.

Conclusion

The Applicant respectfully submits that ALL claims in the present application "sufficiently correspond" to one more claims indicated as having novelty, inventive step, and industrial applicability in the WO/ISA for PCT/US2009/043679. Furthermore, the claims are free of any observation described in Box VIII of the WO/ISA for PCT/US2009/043679. Accordingly, applicant requests that the request for participation in the PCT-PPH pilot program be GRANTED. If a telephone interview is required to resolve any further issues, such a call from the Examiner is respectfully requested.

Respectfully submitted,

Dated: August 5, 2010

By: /Mark R. Engle/

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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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/119,178	05/12/2008	Daniel B. Custis	ADV2265-003	2525

8698 7590 12/23/2010

STANDLEY LAW GROUP LLP
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EXAMINER	
KOSAR, AARON J	
ART UNIT	PAPER NUMBER
1651	
MAIL DATE	DELIVERY MODE
12/23/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 2 3 2010

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of	:	
CUSTIS, DANIEL B. et al.	:	DECISION ON REQUEST TO
Application No. 12/119,178	:	PARTICIPATE IN PCT-PATENT
Filed: May 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. ADV2265-003	:	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) program and the petition under 37 CFR 1.102(d), filed August 5, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application is a national stage entry of the corresponding KIPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s) along with an English translation thereof;
(4) 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;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER 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 do not comply with the above requirements because:

The examination of the U.S. application has already begun. It is noted that the PPH petition was filed after a restriction requirement was mailed. Accordingly, the petition to make special under PPH pilot program is dismissed.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 22 2010

OFFICE OF PETITIONS

KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

In re Application of
John Philip Taylor
Application No. 12/119,209
Filed: May 12, 2008
Attorney Docket No. UDI 00595

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 15, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application No. 11/228,864, set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) 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.

The petitioner is reminded that when a later-filed application is claiming the benefit of a prior-filed nonprovisional application, a specific reference to the prior application should appear as the first sentence(s) of the specification following the title, preferably as a separate paragraph and/or in an application data sheet (37 CFR 1.76). Although the Office recognizes that the petitioner filed a proper amendment to the specification on March 1, 2010, it however conflicts with the amendment to the specification submitted the petition herein.

Specifically, the March 2010 amendment states, "Please replace the first sentence of the specification with the following." However, the amendment submitted concurrently with the petition has the benefit claim being inserted AFTER the first sentence of the specification, "The invention relates in general to temperature sensors and more specifically to an apparatus, system, and method for determining a temperature sensing element."

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] placing a specific reference to the prior application in the first sentence, 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 Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

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JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
John Philip Taylor :
Application No. 12/119,209 : DECISION ON PETITION
Filed: May 12, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. UDI 00595 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 19, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application No. 11/228,864, set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) 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.

The Office recognizes that petitioner corrected the reference to add the above-noted, prior-filed application on page one following the first sentence of the specification. However, the amendment submitted with the renewed petition is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. 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
By Internet:	EFS-Web[2]

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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[1] *Note* 37 CFR 1.121

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

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KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
John Philip Taylor	:	
Application No. 12/119,209	:	DECISION ON PETITION
Filed: May 12, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. UDI 00595	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application No. 11/228,864, filed May 12, 2008, 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(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 nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §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 instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2857 for appropriate action on the amendment submitted February 18, 2011, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/119,209	05/12/2008	2857	1030	UD1 00595	16	3

CONFIRMATION NO. 2582

CORRECTED FILING RECEIPT

32968
KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

OC000000047307987

Date Mailed: 04/22/2011

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

Applicant(s)

John Philip TAYLOR, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 32968

Domestic Priority data as claimed by applicant

This application is a DIV of 11/228,864 09/16/2005 PAT 7,413,343

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: 05/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/119,209**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS AND METHOD FOR DETERMINING A TEMPERATURE OF A TEMPERATURE SENSING ELEMENT

Preliminary Class

702

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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www.uspto.gov

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco CA 94111

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Yu Liu et al.	:	
Application No. 12/119,363	:	DECISION ON PETITION
Filed: May 12, 2008	:	TO WITHDRAW
Attorney Docket No. 021594-005820(2164-178CON	:	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 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kenneth E. Jenkins, on behalf of all attorneys/agents associated with customer number 73643. All attorneys/agents associated with customer number 73643 have been withdrawn.

The correspondence address had 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: Beckman Coulter, Inc.
4300 North Harbor Blvd.
Fullerton, CA 92834

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
12/119,363	05/12/2008	Yu Liu	021594-005820(2164-178CON

CONFIRMATION NO. 2891

73643
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

POWER OF ATTORNEY NOTICE

OC000000048675128

Date Mailed: 07/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/28/2011.

- 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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/119,372	05/12/2008	Stian Langeland	230578 (553-1398)	2903

45436 7590 05/06/2011

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

EXAMINER	
GORADIA, SHEFALI DINESH	
ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

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

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

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

Docket@splglaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

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

MAY 6 2011

In re Application of :
Langeland, Stian *et al.* :
Serial No.: 12/119,372 :
Filed: May 12, 2008 : DECISION ON PETITION
For: **METHODS AND APPARATUS FOR COMBINED 4D PRESENTATION OF QUANTITATIVE REGIONAL MEASUREMENTS AND MORPHOLOGY** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2) filed May 12, 2008 requesting the acceptance of colored drawings in lieu of black and white drawings.

The petition requests that the color photograph for Figures 6, 9, 10 and 11 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition did not contain and was not amended to contain the proper language, as stated above in the first paragraph of the specification.

Therefore, the *petition* is **DISMISSED**.

The petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., include three (3) sets of color drawings, color photographs and a black and white photocopy of the same.

John Peng
Quality Assurance Specialist
Technology Center 2600
Communications

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: TRANSLUC-P034	Application Number (if known): 12/119,387	Filing date: 05/12/2008

First Named Inventor: Petar B. Atanackovic

Title: Thin Film Semiconductor-on-Glass Solar Cell Devices

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: Publication fee of $300 paid on EFS-Web

Signature /James Harris/	Date 08/09/2010
Name (Print/Typed) James Harris	Registration Number 52,995

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

☐ *Total of _____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Petar B. Atanackovic	Attorney Docket No.:	TRANSLUC-P034
Serial No.:	12/119,387	Group Art Unit:	1795
Filed:	05/12/2008	Examiner:	Bourke, Allison
Confirmation No.:	2932	Customer No.:	22877

Title: Thin Film Semiconductor-on-Glass Solar Cell Devices

STATEMENT OF SPECIAL STATUS

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

Applicant is making a Statement of Special Status in conjunction with filing a petition to make special under the Green Technology Pilot Program.

Remarks and Arguments: begins on page 2.

Conclusion begins on page 3 of this statement.

Remarks and Arguments:

1.0 Application U.S. 12/119,387 addresses the need to increase solar cell efficiency and to further reduce cost over prior art techniques. Typically, present high performance and cost effective solar cell devices are based on bulk silicon materials. Unfortunately, prior art techniques for producing sc-Si cells are: (i) costly to manufacture; and (ii) suffer inefficient utilization of the available solar spectrum. A widely accepted method to reduce the cost of solar cells, by workers in the field, has been to substantially reduce the amount of active material required to form the solar cell via the use of thin film semiconductors. The instant invention discloses a process for disposing thin films upon low cost substrates such as glass, polymer, polycrystalline sapphire, and/or metal surfaces. The simplest and most cost effective method of producing thin films is via use of various deposition methods upon relatively low cost substrates such as inexpensive glass, polymer or other materials adapted for receiving a layer of silicon. The instant invention has the potential to reduce the solar cell material cost below $\$2/in^2$, a 50% saving over current technology.

2.0 The instant invention meets the requirements as specified in the Federal Register/ Vol. 74, No. 234/ Tuesday, Dec. 8, 2009/Notices. The invention applies to classifications: Photovoltaic (USPC 136/243- 265) and Solar Cells (USPC 438/57, 82, 84, 85, 86, 90, 93, 94, 96, 97). The claims are directed to a single invention that materially contributes to the development of renewable energy resources. By significantly decreasing the cost of the substrate the cost per watt generated of rare-earth incorporated PV devices is lowered thus accelerating the market acceptance of these enhanced solar cell devices.

Conclusion

Applicant has presented compelling arguments demonstrating that the instant invention deserves special status and complies with the requirements for the Green Technology Pilot Program. Applicant respectfully requests inclusion in the Green Technology Pilot Program.

Respectfully submitted,

/James Harris/

James Harris

Reg. No. 52,995

Date:__8/9/2010__

Address: FERNANDEZ & ASSOCIATES, LLP

P.O. Box D
Menlo Park, CA 94026

Customer No: 22877
Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com

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.
12/119,387	05/12/2008	Petar Atanackovic	TRANSLUC-P034	2932

22877 7590 08/18/2010
FERNANDEZ & ASSOCIATES, LLP
P.O. BOX D
MENLO PARK, CA 94026

EXAMINER	
BOURKE, ALLISON	
ART UNIT	PAPER NUMBER
1795	
MAIL DATE	DELIVERY MODE
08/18/2010	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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AUG 18 2010

FERNANDEZ & ASSOCIATES, LLP
P.O. BOX D
MENLO PARK CA 94026

In re Application of	:	
Atanackovic	:	DECISION ON PETITION
Application No. 12/119,387	:	TO MAKE SPECIAL UNDER
Filed: 5/12/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **TRANSLUC-P034**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/9/2010, 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 Tom Dunn at 571-272-1171.

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 22, 2011

In re Application of :

Gary Sprague

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12119420

Filed : 12-May-2008

Attorney Docket No : 27458-1110

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 22, 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 3635 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	12119420
Filing Date	12-May-2008
First Named Inventor	Gary Sprague
Art Unit	3635
Examiner Name	MARK WENDELL
Attorney Docket Number	27458-1110
Title	TAPER LOCK SYSTEM

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	/Mitchell Brook/
Name	Mitchell Brook
Registration Number	32967

UNITED STATES 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
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of

Prakash

Application No. 12/119,429

Filed: May 12, 2008

Attorney Docket No. CLDM-001/01US 301185-2007

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 21, 2011, which is being treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on June 15, 2011, after it was believed that no response was received to final Office action mailed March 14, 2011, which allowed a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A response was filed on May 16, 2011, which failed to place the application in condition for allowance. A Notice of Abandonment was mailed on indicating that a proper reply to the final Office action was not received.

A review of the application file record revealed that response to the final Office action was filed on June 6, 2011, and scanned into the wrong application filed. The response, in the form of a Request for Continued Examination, has since been scanned into the subject application file. It is apparent that petitioner timely filed the response and placed the correct identifiers on the response, but the response was placed in an incorrect application file. It is further noted that the fee for the Request Continued Examination was paid on June 6, 2011, and subsequently refunded to the deposit account from which it was taken. A new power of attorney was entered on September 30, 2011, and the deposit account from which the fee for the Request for Continued Examination was taken is not associated with the present counsel. Accordingly, the fee for the Request for Continued Examination--$810.00—will be taken from the monies remitted for the petition under 37 CFR 1.137(b) and the remaining amounts refunded, in due course.

Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply, albeit in the wrong application. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2400, GAU 2478, for further processing, including consideration of the Request for Continued Examination filed June 6, 2011.

Further inquires regarding this decision may 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.:20111206

DATE : December 6, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 8,035,552

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: /Thomas H. Tarcza/ **Art Unit** 3662

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	12119494
Filing Date	13-May-2008
First Named Inventor	Richard St. Rose
Art Unit	3629
Examiner Name	VERN CUMARASEGARAN
Attorney Docket Number	Epifany1
Title	Forward-Looking Expense Allocation (FLEA)

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 61226

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

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

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

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

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

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

Name	Richard P.A. St. Rose Epifany Properties, Inc.
Address	1230 Columbia Street, Suite 850
City	San Diego
State	CA
Postal Code	92101

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John K Buche/
Name	John K Buche
Registration Number	46584

UNITED STATES 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 16, 2011

In re Application of :

Richard St. Rose

Application No : 12119494

Filed : 13-May-2008

Attorney Docket No : Epifany1

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 December 16, 2011

The request is **APPROVED.**

The request was signed by John K Buche (registration no. 46584) on behalf of all attorneys/agents associated with Customer Number 61226 . All attorneys/agents associated with Cusotmer Number 61226 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	Richard P.A. St. Rose
Name2	Epifany Properties, Inc.
Address 1	1230 Columbia Street, Suite 850
Address 2	
City	San Diego
State	CA
Postal Code	92101
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

JOSEPH E. FUNK
82 CHASE RD
LONDONDERRY NH 03053

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey BEAN	:	
Application No. 12/119,495	:	DECISION ON PETITION
Filed: May 13, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 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 April 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 12, 2010. Accordingly, the date of abandonment of this application is April 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 payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. 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 Publishing Division 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

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

MAILED

JUN 06 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Abdel-Mohsen Onsy Mohamed, et al.
Application No. 12/119,525
Filed: May 13, 2008
Attorney Docket No. 3378D-0002

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 14, 2010.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on April 14, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 1731 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 14 2011

OFFICE OF PETITIONS

Steven W. Weinrieb
LAW OFFICES OF STEVEN W. WEINRIEB
8717 Cold Spring Road
Potomac MD 20854

In re Application of :
Moshe BAR-HEN : ON PETITION
Application No. 12/119,530 :
Filed: May 13, 2008 :
Atty. Docket No.: 165-001-1

This is in response to the petition under 37 CFR 1.137(b), filed August 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the non-final Office action mailed March 29, 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 June 30, 2010. A Notice of Abandonment was mailed November 8, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed March 29, 2010, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as 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 unintentional, petitioner must notify the Office.

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. If the statement contained in the instant petition varies from

the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

This application is being referred to Technology Center Art Unit 3711 for further consideration of the filed Response.

/Ramesh Krishnamurthy/

for Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/23/10 Paper No.: —

TO SPE OF : ART UNIT 1783

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/119552 Patent No.: 7674067 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

/David R. Sample/ Supervisory Patent Examiner 1783
10/20/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 1, 2011

William G. Conger
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

Patent No: 7,939,173 B2
Application No: 12/119,558
Applicant: Mikhail Sofin, et al.
Issued: May 10, 2011
Title: **POLYCRYSTALLINE SILICON ROD FOR ZONE REFLECTING AND A PROCESS FOR THE PRODUCTION THEREOF**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

The error complained in column 10, line 12 cannot be found in the printed patent.

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

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

A certificate of correction will be issued to correct the remaining error mentioned in your request.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK YOUNG, P.A.
12086 FORT CAROLINE ROAD
UNIT 202
JACKSONVILLE FL 32225

MAILED

APR 10 2012

OFFICE OF PETITIONS

In re Application of
Dale Carson
Application No. 12/119,620
Filed: May 13, 2008
Attorney Docket No: DC08002

ON PETITION

This is a decision on the petition filed March 16, 2012 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action sent via electronic notification on April 25, 2011. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the abandonment of the application, this application became abandoned July 26, 2011. Accordingly, the Notice of Abandonment was sent via electronic notification on November 23, 2011.

This matter is being referred to Technology Center 2617 for appropriate action on the amendment filed March 16, 2012.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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

B. CRAIG KILLOUGH
P. O. DRAWER H
CHARLESTON SC 29402

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :

Timothy J. Cox :
Application No. 12/119,656 : DECISION ON PETITION
Filed: May 13, 2008 : TO WITHDRAW
Attorney Docket No. **3264.001** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 B. Craig Kilough on behalf of all attorneys of record who are associated with Customer Number 40842.

All attorneys/agents associated with Customer Number 40842 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Timothy Cox at the address indicated below.

There is no outstanding Office action that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Timothy Cox
1731 Jersey Avenue
Charleston, SC 29407

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of :
Boss et al. :
Application No. 12/119,659 : DECISION ON PETITION
Filed: May 13, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. AUS920050811US2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed on June 2, 2010. A petition for expedited treatment under 37 CFR 1.182 was filed on October 4, 2010.

The petition under 37 CFR 1.182 is **GRANTED**.
The petition under 37 CFR 1.78(a)(3) 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 rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is

being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Office of Data Management for further processing within the normal course of business.

Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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
12/119,659	05/13/2008	2612	1030	AUS920050811US2	9	1

CONFIRMATION NO. 3460

30449
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

CORRECTED FILING RECEIPT

OC000000044001835

Date Mailed: 10/14/2010

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)

Gregory Jensen Boss, American Fork, UT;
Rick Allen Hamilton II, Charlottesville, VA;
Alexandre Polozoff, Bloomington, IL;
Timothy Moffett Waters, Hiram, GA;

Power of Attorney: The patent practitioners associated with Customer Number 30449

Domestic Priority data as claimed by applicant

This application is a DIV of 11/358,753 02/21/2006 PAT 7,382,276

Foreign Applications

If Required, Foreign Filing License Granted: 05/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/119,659**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR ELECTRONIC ROAD SIGNS WITH IN-CAR DISPLAY CAPABILITIES

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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.
12/119,686	05/13/2008	Jason R. Kolodziej	P001385-FCA-CHE	3505

65798 7590 09/13/2011
MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS, MI 48304

EXAMINER
BUCHANAN, JACOB

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 13 2011

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Mailed :
In re Application of : DECISION ON
Kolodziej : PETITION
Serial No. 12/119,686 :
Filed: May 13, 2008 :
For: **SELF-TUNING THERMAL CONTROL OF AN AUTOMOTIVE FUEL CELL PROPULSION SYSTEM**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on August 9, 2011.

The Examiner initially required a restriction on between

Group I, claims 1- 14, drawn to fuel cells, classified in class 429, subclass 512 and

Group II, claims 15-19 drawn to a method of operating a fuel cell, classified in class 429, subclass 433.

The Examiner determined that inventions I and II were related as product and process of use. A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown:

(A) The process of using as claimed can be practiced with another materially different product; or

(B) The product as claimed can be used in a materially different process.

The Examiner asserted that in the instant case, the process of using the product as claimed can be practiced with another materially different product, such as a product wherein a pump pumps a cooling fluid directly through the radiator and/or bypass and subsequently through the fuel cell stack. Applicant elected Group I with traverse.

Applicant argues that a product including a pump that pumps a cooling fluid directly through the radiator and/or by-pass and subsequently through the fuel cell stack is not a materially different product than the product of Group I and therefore does not satisfy the burden under MPEP 806.05(h) to provide a satisfactory example.

Applicant asserts that since the cooling fluid line is a loop, the pump can be positioned at any location and the location is not relevant to the claimed invention. Applicant

submits that the Examiner has not shown that the process of suing the product can be practiced with any other different product, let alone another materially different product. The example provided by the Examiner is not sufficient to meet his burden,

The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement. Applicant has not shown that the alternative use suggested by the Examiner cannot be accomplished.

If two or more independent and distinct inventions are claimed in a single application, the examiner in an Office action will require the applicant to elect an invention to which the claims will be restricted.

Under the statute, the claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent. If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent or distinct as claimed; and

(B) There would be a serious burden on the examiner if restriction is not required.

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases. The term "independent" (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect.

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). Applicant has 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.

The Examiner has demonstrated a serious burden by the separate classification between Group I and Group II.

12/119,686

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

DATE : January 24, 2012

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: 12119687 Patent No.: 8040282

CofC mailroom date: Jan. 3, 2012

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: _____

_____

_____

Certificates of Correction Branch

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: CoC approved

/Douglas W. Owens/ 2821

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/02/11

TO SPE OF : ART UNIT: 1741 Attn: DANIELS MATTHEW J (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/119692 Patent No.: 7862688

CofC Mailroom date: 01/14/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

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

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

Comments: This request is approved.

/Matthew J. Daniels/ 1741
SPE **Art Unit**

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Alexandria, VA 22313-1450
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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE GA 30044

MAILED
OCT 13 2010
OFFICE OF PETITIONS

In re Application of	:	
John D. Anderson, et al.	:	
Application No. 12/119,735	:	DECISION ON PETITION
Filed: May 13, 2008	:	
Attorney Docket No. A-12365	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 30, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 28, 2010. Accordingly, the date of abandonment of this application is September 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 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.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JOSEPH M. LEWINSKI**
4508 EXMOOR DRIVE
MARIETTA, GA 30067

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/119,747-Conf. #3630	Filing Date:	May 13, 2008
First Named Inventor:	Russell CAPITO		
Title of the Invention:	Electrohydraulic Torque Transfer Device		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/041926

The international date of the corresponding PCT application(s) is/are: April 28, 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 appliction(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.**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO
(continued)

Application No.:	12/119,747-Conf. #3630
First Named Inventor:	Russell CAPITO

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 5/13/2008, 1/12/2010, 7/22/2010 and 12/30/2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

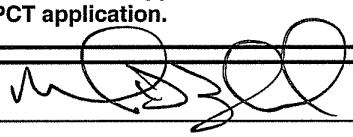
[ ] Are attached.

[x] Have already been filed in the above-identified U.S. application on 5/13/2008, 1/12/2010, 7/22/2010 and 12/30/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1 through 20	Claims 1 through 20	US claims 1 through 20 and PCT claims 1 through 20 are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	December 30, 2010
Name (Print/Typed)	Michael D. Zalobsky	Registration Number	45,512

15819744.1

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/119,747	05/13/2008	Russell T. Capito	9539-000139/US/CPD	3630

27572 7590 02/25/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
DODD, RYAN P	

ART UNIT	PAPER NUMBER
3655	

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

FEB 25 2011

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re application of
Capito et al.
Application No. 12/119,747
Filed: May 13, 2008
For: ELECTROHYDRAULIC TORQUE TRANSFER DEVICE

: **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 30, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO 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.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, 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 as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/24/11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

JUN 27 2011

OFFICE OF PETITIONS

KEYVAN AZIZI NAMINI
22210 OVERVIEW LANE
BOYDS, MD 20841

In re Application of :
Keyvan Azizi-Namini :
Application No. 12/119,801 : ON PETITION
Filed: May 13, 2008 :
Attorney Docket No. 060780.00001 :

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed February 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 25, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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.
12/119,806	05/13/2008	Horst Heidenreich	344/1/147	3748

7590 01/06/2011

RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK, NJ 07601

EXAMINER	
HOANG, TU BA	

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Ci et al. :
Application No. 12/119,958 :
Filed: May 13, 2008 :
Attorney Docket No. 24742-0016001 / IP-999 :

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 20, 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 M. Angela Parsons 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.***

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

Currently, there is an outstanding Office action mailed February 18, 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

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. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of
Ci et al.
Application No. 12/119,958
Filed: May 13, 2008
Attorney Docket No. 24742-0016001 / IP-999

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 July 18, 2011.

The request is **APPROVED**.

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

The request was signed by M. Angela Parsons on behalf of all attorneys of record who are associated with Customer Number 26191.

All attorneys/agents associated with the Customer Number 26191 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed February 18, 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: Song Ci
18719 Van Camp Drive
Omaha, NE 68130

Docket No.: 20750P-005700US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
William BULL et al.

Application No.: 12/119,960 | Confirmation No.: 4022

Filed: May 13, 2008 | Art Unit: 2629

For: PUSHING A USER INTERFACE TO A REMOTE DEVICE | Examiner: Richard A. Hjerpe

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

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

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("'960 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '960 application based on the express abandonment of copending U.S. Patent Application No. 12/005,711 ("'711 application"), filed December 28, 2007, and entitled "HANDS-FREE COMMUNICATION." A copy of a Letter of Express Abandonment that is being concurrently filed in the '711 application is attached in the Appendix;[1]

[1] This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

- The '960 application and the '711 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '960 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By _____

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 65656
(408) 974-6524

Attachment

APPENDIX

Docket No.: P5337US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael CULBERT et al.

Application No.: 12/005,711 | Confirmation No.: 4903

Filed: December 28, 2007 | Art Unit: 2617

For: HANDS-FREE COMMUNICATION | Examiner: Magdi Elhag

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/119,960

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

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("'711 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '711 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/119,960 ("'960 application"), filed May 13, 2008, and entitled "PUSHING A USER INTERFACE TO A REMOTE

DEVICE." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '960 application;[1]

- Applicants have not and will not file an application that claims the benefit of the '711 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '711 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '711 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By_____

Brett Alten
Registration No.: 42,258
Attorney of Record
Customer No. 82427
(408) 974-6524

[1] This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
BULL, et al. :
Application No. 12/119,960 :
Filed: May 13, 2008 :
Attorney Docket No. **20750P-005700US** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRIDGELUX, INC.
C/O NOVAK DRUCE + QUIGG LLP
1000 LOUSIANA STREET, FIFTY- THIRD FLOOR
HOUSTON TX 77002

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Patent No. 7,781,780 :
Issue Date: 24 August, 2010 :
Application No. 12/120,051 : DECISION
Filed: 13 May, 2008 :
Attorney Docket No. 030348.00015

This is a decision on the petition filed on 1 November, 2010, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

The address on the petition is different than that of record.

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (see: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

Patent No. 7,781,780
Application No. 12/120,051

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

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

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

CC:
CRAIG A GELFOUND
ARENT FOX LLP
GAS COMPANY TOWER
655 WET FIFTH STREET/48TH FLOOR
LOS ANGELES, CA 90013-1065

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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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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Vista IP Law Group LLP
1885 Lundy Avenue Suite 108
San Jose CA 95131

MAILED

JUN 30 2011

OFFICE OF PETITIONS

In re Application of:
KUILA ET AL.
Serial No.: 12/120,082
Filed: May 13, 2008
Attorney Docket No.: RZMI-P1102-US

DECISION ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 2, 2011. Accordingly, the date of abandonment of this application is June 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510.00 and the publication fee of $300.00, (2) the petition fee of $1620.00; and (3) an adequate statement of unintentional delay.

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

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

Christopher Bottorff
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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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Brian Spinar, et al.	:	
Application No. 12/120,157	:	DECISION GRANTING PETITION
Filed: May 13, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 112174-23CON1	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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 2475 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 12, 2011

TO SPE OF : ART UNIT 2611 SPE Dang T. Ton.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/120,160 Patent No.: 7,817,666 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 dependency in claim 7 be changed from "claim 2" to "claim 3" as requested by applicant?
See COCIN dated 9-30-2011

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 Eng Art Unit 2475

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Spinar, et al.	:	
Application No. 12/120,160	:	DECISION GRANTING PETITION
Filed: May 13, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 112174-23CON2	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed non-provisional applications.

The petition under 37 CFR 1.78(a)(3) 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 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 late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning the application should be directed to the Certificate of Corrections Branch.

This application is being forwarded to the Certificate of Corrections Branch for issuance of the requested certificate of corrections.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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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
12/120,160	05/13/2008	2475	1580	112174-23CON2	25	3

CONFIRMATION NO. 4373

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000051077063

Date Mailed: 11/21/2011

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

Applicant(s)

Brian Spinar, San Diego, CA;
Kenneth L. Stanwood, Cardiff By The Sea, CA;

Assignment For Published Patent Application

Wi-LAN, Inc., Ottawa, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 27189

Domestic Priority data as claimed by applicant

This application is a CON of 11/350,474 02/08/2006 PAT 7,751,437
which is a CON of 10/014,951 12/11/2001 PAT 7,006,530
which claims benefit of 60/257,525 12/22/2000
This application 12/120,160
is a CIP of 11/170,392 06/29/2005
which is a CON of 09/859,561 05/16/2001 PAT 6,956,834
which is a CON of 09/316,518 05/21/1999 PAT 6,925,068

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: 07/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/120,160**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR ADAPTIVELY OBTAINING BANDWIDTH ALLOCATION REQUESTS

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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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FINANCIAL CENTER
BOSTON MA 02111

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MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Kostadinov, et al. : DECISION ON PETITION
Application No. 12/120,599 :
Filed: May 14, 2008 :
Attorney Docket No. 35450-501002US :

This is a decision on the "PETITION UNDER 37 C.F.R. 1.182", filed May 4, 2011.

Applicant has requested to correct the name of inventor David Ayelet to Ayelet David. Applicant has explained that the error was inadvertent and without deceptive intent.

Accordingly, the request is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name.

The application is being forwarded to the Office of Data Management to await applicant's submission of the issue fee.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Aleksey Kostadinov et al.
Application No. 12/120,599
Filed: May 14, 2008
Attorney Docket No. 35450-501002US

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)" filed June 1, 2011. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 155 days to 168 days.

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

On March 2, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 155 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 13 days of PTA pursuant to 1.704(c)(8) for the filing of a supplemental information disclosure statement on March 8, 2010.

Applicants believe that the Office incorrectly attributed 13 days of delay to Applicants under 37 C.F.R. § 1.704. Specifically, Applicants' Supplemental Information Disclosure Statement ("IDS"") filed March 8, 2010 should not have been treated as a "supplemental" reply because the IDS included a proper statement under Section 1.704(d).

A review of the record reveals that on February 23, 2010 applicants filed a response to the Restriction Requirement mailed January 26, 2010. Then on March 8, 2010, applicants filed the Supplemental Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. The record does not support a conclusion that the IDS was expressly

---

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

requested by the examiner. Accordingly, filing of the IDS may be considered a failure to engage and a proper basis for reduction.

Applicant argues however, that the IDS filed March 8, 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)."

Applicant's argument with respect to the Information Disclosure Statement has been considered, but not found persuasive. The IDS filed March 8, 2010 was filed under circumstances that constitute a failure to engage within the meaning of 37 CFR 1.704(c)(8). Entry of the period of reduction of 13 days is warranted.

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;
>
> However, 37 CFR 1.704(d) provides that:
>
> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In this instance, the record supports a conclusion that the IDS was March 8, 2010, however, the IDS did not include a proper §1.704(d) statement. The statement purported to be in compliance with 37 CFR 1.704(d) does not track the required language of 1.704(d). The required statement states, in pertinent part, 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 § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Applicants are reminded that § 1.704(d) was revised, effective May 24, 2004. This revision requires that the statement include the language "each item of information contained in the information disclosure statement was first cited ..." for the exception to apply. See 69 FR 21704, Apr. 22, 2004. As the statement was not proper, entry of the reduction of 13 days was warranted and will not be removed.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 155 days.

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SEP 19 2011

OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Patent No. 7,981,908
Issued: July 19, 2011
Application No. 12/120,599
Filed: May 14, 2008
Attorney Docket No. 35450-501002US

: 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 INDICATED ON FACE OF PATENT UNDER 37 C.F.R. §1.705(d)" filed September 14, 2011. Applicants request that the patent term adjustment be corrected from 218 days to 231 days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

In a petition filed June 1, 2011, applicants disputed the reduction of 13 days of PTA pursuant to 1.704(c)(8) for the filing of a supplemental information disclosure statement on March 8, 2010. The petition was dismissed in a decision mailed June 10, 2011.

Applicants maintain that the Office incorrectly attributed 13 days of delay to Applicants under 37 C.F.R. § 1.704. Specifically, Applicants' Supplemental Information Disclosure Statement ("IDS"") filed March 8, 2010 should not have been treated as a "supplemental" reply because the IDS included a proper statement under Section 1.704(d).

A review of the record reveals that on February 23, 2010 applicants filed a response to the Restriction Requirement mailed January 26, 2010. Then on March 8, 2010, applicants filed the Supplemental Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

Applicants maintain however, that the IDS filed March 8, 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)."

Patentee's arguments have been considered, and found persuasive to an extent.

37 CFR 1.704(d) provides that:

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude

prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

As previously indicated, the 37 CFR 1.704(d) statement provided on the March 8, 2010 IDS does not track the required language of 1.704(d). However, as the statement only refers to European Examination Report, Application No. 07804623.2 February 9, 2010, and not a number of references, in this limited occasion, the language "the item of information....." will be accepted over the required language of "each item of information....."

In view thereof, the 13 day reduction is incorrect and is being removed.

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 231 days (196 "A delay days" + 66 "B delay days" - 31 applicant delay days), not 218 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 **two hundred thirty-one (231)** days.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,981,908 B2

DATED : July 19, 2011

INVENTOR(S) : Aleksey Kostadinov

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 (218) days

Delete the phrase "by 218 days" and insert – by 231 days--

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BLDG. K1-3A59
NISKAYUNA, NY 12309

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JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Jason Randolph Allen, et al. :
Application No. 12/120,617 : DECISION ON PETITION
Filed: May 14, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 225895-1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the 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) 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.

The petition does not satisfy item (3) above.

[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).

Before a petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition, including an appropriate statement of unintentional delay, must be 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[2]

Telephone inquiries concerning this decision should be directed to Sherry Brinkley at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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Keusey & Associates, P.C.
420 Jericho Tpke.
Suite 324
Jericho NY 11753

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APR 07 2011

OFFICE OF PETITIONS

In re Patent No. 7,820,081 :
Issue Date: October 26, 2010 :
Application No. 12/120,628 : DECISION ON PETITION
Filed: May 14, 2008 :
Attorney Docket No. 139-27 :

This is a decision on the Letter filed November 15, 2010, which is being treated as a Petition Under 37 CFR §3.81(b) to correct assignee's address --Charenton-- to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to correct assignee's address --Charenton-- on the previously submitted PTOL-85B and such error was inadvertent.

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.

A petition under 37 CFR §3.81(b) requires a petition processing fee of $130.00 (Fee Code 1464), as set forth under 37 CFR 1.17(i). This petition lacks the processing fee. For this reason, the petition is dismissed.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Jericho NY 11753

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APR 25 2011

OFFICE OF PETITIONS

In re Patent No. 7,820,081 :
Issue Date: October 26, 2010 :
Application No. 12/120,628 : RENEWED DECISION ON PETITION
Filed: May 14. 2008 :
Attorney Docket No. 139-27 :

This is a decision on the Renew Petition, filed April 18, 2011, to correct assignee's address on the front page of the above-identified patent by way of a Certificate of Correction.

The renewed petition under 37 CFR §3.81(b) is **GRANTED**.

The petition decision mailed April 7, 2011, dismissed the 37 CFR §3.81(b) petition filed November 15, 2010, because the required petition processing fee was not submitted with the petition. The renewed petition includes the processing petition fee.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,820,081.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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

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MAR 05 2012

OFFICE OF PETITIONS

In re Application of :
NIKOLAOS PAPADAKOS :
Application No. 12/120,653 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. P109.12-0001 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 FOR A DECISION ON A QUESTION NOT SPECIFICALLY PROVIDED FOR IN THE REGULATIONS PROMULGATED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE", filed November 18, 2011.

In the present petition, it appears that applicant is requesting that the Office allow the present nonprovisional application, filed May 15, 2008, to claim benefit under 35 U.S.C. 119(e) to prior-filed provisional application No. 60/917,803, filed May 14, 2007. Applicant states:

> In support of this Petition, a Declaration by a foreign independent inventor, Mr. Nikolaos Papadakos, along with three exhibits, depicting the circumstances surrounding why Mr. Papadakos was unable to file a Non-Provisional Patent Application within the statutory twelve-month provisional application pendency period, are respectfully submitted.
>
> With this Petition, Applicant respectfully requests a decision on a question of priority of a nonprovisional application to the filing date of a provisional application when the U.S. Patent Office's electronic filing system suddenly went down on the last day of the statutory twelve-month provisional application pendency period, and there were unusual circumstances barring a foreign independent inventor from filing the non-provisional application any other way.

Petition, 11/18/11, pp. 1-2.

The Office has reviewed the documentary evidence and the statement provided by the inventor, but finds them unpersuasive.

As stated in the Legal Framework for EFS-Web,[1] the Acknowledgement Receipt establishes the date of receipt by the USPTO of the electronic documents itemized in the receipt. The Electronic Acknowledgement Receipt contains a full listing of the documents submitted to the USPTO as described by applicant during the submission process, including the count of pages and/or byte sizes for each document. Thus, the Acknowledgement Receipt is the electronic equivalent of the postcard receipt described in MPEP 503.

The official filing date is noted on the Filing Receipt, after the submitted application parts are reviewed for compliance with 35 U.S.C. 111 and based on the dates indicated on the Acknowledgement Receipt, assuming that after review, the documents submitted are found to be entitled to an application filing date. The Office notes that the Electronic Acknowledgement Receipt only indicates that the Office received what was actually sent, as opposed to what an applicant may have intended to transmit.

In accordance with the provisions of 35 U.S.C. 111(a) and 37 CFR 1.53(b), a filing date is granted to a nonprovisional application for patent, which includes at least a specification containing a description pursuant to 37 CFR 1.71 and at least one claim pursuant to 37 CFR 1.75, and any drawing referred to in the specification or required by 37 CFR 1.81(a), which is filed in the U.S. Patent and Trademark Office. The date of filing of an application officially submitted through EFS-Web is the date in the Eastern Standard Time zone at the time of submission. As such, the submission's "date of receipt," as shown on the Acknowledgement Receipt, is the Eastern Standard Time date that the documents are fully, successfully, and officially received at the USPTO. This date is controlling for filing date purposes of a newly filed application.

The Office file is the official record of the papers originally filed in this application. The Electronic Acknowledgement Receipt supports the Office records that applicant submitted the application papers to the USPTO on May 15, 2008 at 07:55:08. Therefore, the present nonprovisional application was correctly accorded a filing date of May 15, 2008. While the circumstances are unfortunate, the Office reminds applicant that an applicant may wait until the last day of the 12 month statutory period to file a nonprovisional application; however, in doing so, applicant must also assume the attendant risk.

When a later-filed application is claiming the benefit of a prior-filed provisional application under 35 U.S.C. 119(e), the nonprovisional application must be filed not later than 12 months after the date on which the provisional application was filed. In this instance, applicant filed the present nonprovisional application was filed more than 12 months after the filing date of the prior provisional application. Therefore, this nonprovisional application cannot claim the benefit of the prior-filed provisional application pursuant to the statutory requirements of 35 U.S.C. 119(e). Moreover, the USPTO does not have the authority to waive a requirement of statute.

Accordingly, the petition is **dismissed**. Any request for reconsideration should be filed within TWO (2) MONTHS of the date of this decision.

---

[1] "The Legal Framework provides guidance on the background statutes, regulations and policies that support the Electronic Filing System – Web (EFS-Web) project."

The Office will charge the $400.00 petition fee to the Deposit Account as authorized.

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 be submitted electronically via the Electronic Filing System.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES 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 P. MORRIS
BOEHRINGER INGELHEIM USA
CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Application of	:	
MUNZERT et al.	:	
Application No. 12/120,740	:	DECISION ON APPLICATION
Filed: 05/15/2008	:	FOR
Atty Docket No. 01-1755-1-C1	:	PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed July 15, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to three hundred ninety-three (393) days.

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

The Office has updated the PALM and PAIR screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred ninety-three (393) days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

A review of the application history confirms that applicants' characterization of the basis for and amounts of the adjustments and reductions of patent term in this application at the time of the mailing of the Notice of Allowance are correct.

In view thereof, the corrected determination of patent term adjustment at the time of the mailing of the Notice of Allowance is three hundred ninety-three (393) days.

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

12/120,740	DIHYDROPTERIDINONES FOR THE TREATMENT OF CANCER DISEASES	01-1755-1-C1	08-09-2011::12:11:42

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/120,740

Filing or 371(c) Date:	05-15-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	341
A Delays:	341	PTO Manual Adjustments:	475
B Delays:	0	Applicant Delays:	423
C Delays:	0	Total PTA Adjustments:	393

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
83	08-09-2011	Adjustment of PTA Calculation by PTO	423		0
82	08-09-2011	Adjustment of PTA Calculation by PTO	362		0
81	08-09-2011	Adjustment of PTA Calculation by PTO		310	0
76	07-05-2011	Mail Notice of Allowance	31		66
75	06-30-2011	Office Action Review			0
74	06-30-2011	Office Action Review			0
73	06-30-2011	Issue Revision Completed			0
72	06-30-2011	Document Verification			0
71	06-30-2011	Notice of Allowance Data Verification Completed			0
70	06-24-2011	Examiner's Amendment Communication			0
69	06-24-2011	Allowability Notice			0
68	02-04-2011	Information Disclosure Statement considered			0
67	02-04-2011	Electronic Information Disclosure Statement			0
66	02-04-2011	Request for Continued Examination (RCE)			0
65	02-07-2011	Disposal for a RCE / CPA / R129			0
64	02-04-2011	Information Disclosure Statement (IDS) Filed			0
63	02-04-2011	Workflow - Request for RCE - Begin			0
62	01-25-2011	Export to Initial Data Capture			0

61	01-25-2011	Electronic Review	0
60	01-25-2011	Email Notification	0
59	01-25-2011	Email Notification	0
58	01-25-2011	Mail Examiner's Amendment	0
57	01-25-2011	Mail Notice of Allowance	0
56	01-21-2011	Issue Revision Completed	0
55	01-21-2011	Document Verification	0
54	01-21-2011	Notice of Allowance Data Verification Completed	0
53	01-21-2011	Case Docketed to Examiner in GAU	0
52	01-18-2011	Examiner's Amendment Communication	0
51	01-18-2011	Allowability Notice	0
50	01-13-2011	Examiner Interview Summary Record (PTOL - 413)	0
49	12-03-2010	Date Forwarded to Examiner	0
48	11-30-2010	Response after Non-Final Action	0
47	09-07-2010	Electronic Review	0
46	09-03-2010	Email Notification	0
45	09-03-2010	Mail Non-Final Rejection	0
44	08-18-2010	Case Docketed to Examiner in GAU	0
43	07-30-2010	Non-Final Rejection	0
39	07-02-2010	Information Disclosure Statement considered	0
38	07-02-2010	Information Disclosure Statement considered	0
37	06-24-2009	Information Disclosure Statement considered	0
36	06-24-2009	Information Disclosure Statement considered	0
35	01-20-2009	Information Disclosure Statement considered	0
34	06-23-2008	Information Disclosure Statement considered	0

33	07-18-2010	Date Forwarded to Examiner			0
32	07-16-2010	Response to Election / Restriction Filed			0
31	07-12-2010	Electronic Review			0
30	07-12-2010	Email Notification			0
29	07-02-2010	Electronic Information Disclosure Statement		423	20
28	07-02-2010	Electronic Information Disclosure Statement			0
27	07-12-2010	Mail Restriction Requirement	310		20
26	07-06-2010	Restriction/Election Requirement			0
25	07-02-2010	Information Disclosure Statement (IDS) Filed			0
24	07-02-2010	Information Disclosure Statement (IDS) Filed			0
23	06-24-2009	Electronic Information Disclosure Statement			0
22	06-24-2009	Information Disclosure Statement (IDS) Filed			0
21	06-24-2009	Information Disclosure Statement (IDS) Filed			0
20	05-05-2009	Fee Payment Recorded (fees filed separately e.g. not with original papers, etc).			0
19	04-29-2009	Mail Notice of Required Fees Due			0
18	04-29-2009	Fee (additional) Due Notice			0
17	04-17-2009	Preliminary Amendment			0
16	01-20-2009	Information Disclosure Statement (IDS) Filed			0
15	06-23-2008	Electronic Information Disclosure Statement			0
14	01-20-2009	Information Disclosure Statement (IDS) Filed			0
13	09-11-2008	PG-Pub Issue Notification			0
12	07-30-2008	Case Docketed to Examiner in GAU			0
11	07-29-2008	IFW TSS Processing by Tech Center Complete			0
10	06-23-2008	Electronic Information Disclosure Statement			0
9	06-23-	Information Disclosure Statement (IDS) Filed			0

	2008		
8	06-16-2008	Application Dispatched from OIPE	0
7	05-29-2008	Sent to Classification Contractor	0
6	05-30-2008	Filing Receipt	0
5	05-30-2008	Application Is Now Complete	0
4	05-15-2008	Request from applicant for the USPTO to retrieve the Priority Document	0
3	05-17-2008	Cleared by OIPE CSR	0
2	05-15-2008	IFW Scan & PACR Auto Security Review	0
1	05-15-2008	Initial Exam Team nn	0
0.5	05-15-2008	Filing date	0

Close Window

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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.
12/120,812	05/15/2008	Gabor Kaszas	DN2008083	5714

27280 7590 07/18/2011
THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

EXAMINER	
FISCHER, JUSTIN R	
ART UNIT	PAPER NUMBER
1747	

MAIL DATE	DELIVERY MODE
07/18/2011	PAPER

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

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

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

Mailed: JUL 18 2011

In re application of :
Kaszas : DECISION ON
Serial No. 12/120,812 : PETITION
Filed: May 15, 2008 :
For: RUBBER COMPOSITION AND PNEUMATIC TIRE

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on April 27, 2011 to withdraw the Finality of the Office Action mailed April 12, 2011.

In response to the first office action, Applicant on January 20, 2011 requested a full English translation of the cited Japanese reference Yamada. The subsequent Office Action was made final and mailed on April 12, 2011. The Examiner stated that since the designation "HAK" in Tables 1 and 2 of Yamada was relied upon for the rejection, no full English translation is required. The Examiner maintained the rejection over Yamada, relying not only on the abstract but making reference to the Table in the underlying document.

Applicant requests a full English translation of the cited Japanese reference and that the Examiner provides an additional non-final office action with a full shortened statutory period of three months to respond.

To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.

The Examiner did provide a translation to the Applicant on June 1, 2011.

DECISION

The petition is **GRANTED**.

The finality of the April 12, 2011 action is withdrawn. The statutory period for response will run from the June 1, 2011 mail date of the translation

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

John D. Delong
THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON OH 44316-0001

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

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Patent of Burnett, Jr. et al:		DECISION ON REQUEST
Patent No. 7,964,564	:	FOR RECONSIDERATION
Issue Date: June 21, 2011	:	OF PATENT TERM ADJUSTMENT
Application No. 12/120,842	:	& NOTICE OF INTENT TO ISSUE
Filed: May 15, 2008	:	CERTIFICATE OF CORRECTION
Atty Docket No. 07039-641004	:	

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d), filed August 19, 2011. Patentees request that the revised patent term adjustment indicated on the patent be corrected from one hundred twenty-one (121) days to seventy-eight (78) days.

The petition is **GRANTED**.

On June 21, 2011, the above-identified application matured into U.S. Patent No. 7,964,564 with a revised patent term adjustment of 121 days. On August 19, 2011, patentees timely filed the instant petition in which they disclose the Office failed to enter a period of Applicant delay in connection with the filing of a reply containing an omission on December 14, 2009.

37 CFR 1.704(c)(7) establishes submission of a reply having an omission (37 CFR 1.135(c)) as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. Submitting a reply having an omission requires the Office to issue an action under 37 CFR 1.135(c) and await and process the applicant's reply to the action under 37 CFR 1.135(c) before the initial reply (as corrected) can be treated on its merits. In addition, 37 CFR 1.704(c)(7) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

Patentees are correct that the Office failed to enter a 43 day reduction in connection with the filing of a reply containing an omission on December 14, 2009. Applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 43 days pursuant to 37 CFR 1.704(c)(7), counting the number of days beginning on the day after the date the reply containing an omission was filed, December 15, 2009 , and ending on the date that the amendment sequence listing was filed, January 26, 2010. Accordingly, a period of reduction of 43 days is being entered.

In view thereof, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of seventy-eight (78) days, which is 90 days of A delay + 37 days of B delay minus 49 (43 + 6) days of Applicant delay.

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

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seventy-eight (78)** days.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,964,564

DATED : **June 21, 2011** **DRAFT**

INVENTOR(S) : Burnett, Jr. et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 121 days

Delete the phrase "by 121 days" and insert – by 78 days--

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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DUFT BORNSEN & FISHMAN LLP
1526 SPRUCE STREET
SUITE 302
BOULDER COUNTY CO 80302

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of
Robin F. Wright et al.
Application No. 12/120,889
Filed: May 15, 2008
Attorney Docket No. **06-2850**

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition filed August 25, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on May 15, 2008 with an unsigned Oath or Declaration. Accordingly, on May 27, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a) was filed arguing that joint inventor Brian Worby refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

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.

The present petition lacks items (3) and (4).

While the petition bears proof that the application papers were sent via email to Mr. Worby and that he has verbally, in a conversation with Attorney Gregory T. Fettig, refused to sign the oath or declaration or to cooperate with the filing of the instant application, the last known address of joint inventor Worby has not been provided as required by 37 CFR 1.47. Petitioners must provide a statement of the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the last known address has been provided with a request for reconsideration.

Additionally, the petition fee for a petition under 37 CFR 1.47 is set at $200, not $130 as has been indicated in the petition. Thus, petitioner's deposit account no. 12-2252 has been credited in the amount of $130 but as the deposit account is no longer active, the fee in the amount of $200 has not been charged as no authorization to charge another deposit account has been given.

Before the petition can be granted, the above listed deficiencies must be cured in a request for reconsideration.

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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AUG 12 2011

TECHNOLOGY CENTER 2100

Duft Bornsen & Fishman LLP
1526 Spruce Street
Suite 302
Boulder County, CO 80302

In Re Application:
Robin F. Wright
Appl No.; 12/120,889
Filed: May 15, 2008
Attorney Docket No.: 06-2850
For: ONLINE STORAGE CAPACITY EXPANSION OF A RAID STORAGE SYSTEM

WITHDRAW FROM ISSUE
FEE NOT PAID

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313(a).

The above-identified application is withdrawn from issue before payment of the issue fee to clarify applicant's claim for priority to PCT/JP2006/303848.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the examiner for action.

Nestor Ramirez
Director, Technology Center 2100
Computer Architecture and Software

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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DUFT BORNSEN & FISHMAN LLP
1526 SPRUCE STREET
SUITE 302
BOULDER COUNTY CO 80302

MAILED

SEP 0 1 2011

OFFICE OF PETITIONS

In re Application of :
Robin F. Wright et al. :
Application No. 12/120,889 : DECISION ACCORDING STATUS
Filed: May 15, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. **06-2850** :

This decision is in response to the petition filed August 25, 2011under 37 CFR 1.47(a)[1].

The petition is **GRANTED**.

The above-identified application was filed on May 15, 2008 with an unsigned Oath or Declaration. Accordingly, on May 27, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition under 37 CFR 1.47(a) was filed arguing that joint inventor Brian Worby refused to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application. The petition was dismissed in a decision mailed July 29, 2011 because the last known address of joint inventor Worby was not provided and neither was the petition fee paid as required by 37 CFR 1.47.

Comes now petitioner with a renewed petition, the last known address of non-signing inventor Worby and the petition fee as required by 37 CFR 1.47.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

[1]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.

Thus, as provided in Rule 1.47c, 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 matter is being referred to the Publishing Division to await payment of the issue fee.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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.
12/120,935	05/15/2008	Xuantian Li	18751US02	5935

23446 7590 05/03/2011

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER	
SHANSKE, JASON D	

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
05/03/2011	ELECTRONIC

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

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

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

mhmpto@mcandrews-ip.com

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

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12120935	5/15/2008	LI ET AL.	18751US02

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER
THOMAS E.. DENION

ART UNIT	PAPER
3748	20110502

DATE MAILED:

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

Commissioner for Patents

This Petition filed 5/15/2008 for the acceptance of a drawings including a black-and-white photograph pursuant to 37 C.F.R. § 1.84(b)(1) is GRANTED

/Thomas E. Denion/
SPE
Art Unit: 3748

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Jacobsen :
Application No. 12/120,944 :
Filed: May 15, 2008 :
Attorney Docket No. 10837-3U2 :

ON PETITION

This is a decision on the request, filed April 6, 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 the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

As the error necessitating the certificate of correction was that of the Office, in that the PTOL 85B included the assignee data upon payment of the issue fee and the patent issued without said assignee data thereon, the processing fee and certificate of correction fee have not been charged.

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.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/02/11

TO SPE OF : ART UNIT 3693

SUBJECT : Request for Certificate of Correction for Appl. No.: 12120944 Patent No.: 7899743

CofC mailroom date: 07/26/11

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: Lamonte Newsome **Certificates of Correction Branch**

571-272-3421

Thank You For Your Assistance

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

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

Comments: _____

_____

/James A Kramer/ 3693

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/120,953	05/15/2008	Yu-Shen Hsu	50009-003002	5960

69713 7590 02/14/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
OGUNBIYI, OLUWATOSIN A	
ART UNIT	PAPER NUMBER
1645	

NOTIFICATION DATE	DELIVERY MODE
02/14/2011	ELECTRONIC

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

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

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

INFO@ORTPATENT.COM

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FEB 1 4 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of:
Hsu Yu-Shen, et al.
Serial No.: 12/120,953
Filed: May 15, 2008
Attorney Docket No.: **50009-003002**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 25, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Supplemental Declaration Under 37 C.F.R. § 1.132 submitted to the Patent Office on January 18, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

MAILED

MAR 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Abernathy et al.	:	
Application Number: 12/120,958	:	ON PETITION
Filing Date: 05/15/2008	:	
Attorney Docket Number:	:	
DE920070015US1	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 5, 2010, for failure to properly reply to the non-final Office action mailed on June 4, 2010, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 19, 2011.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] The three (3)-month extension request filed on February 10, 2011, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on June 4, 2010, and therefore is unnecessary. The extension of time fee paid on February 10, 2011, will be refunded to counsel.

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

The application is referred to Technology Center Art Unit 2183 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GORDON E NELSON
PATENT ATTORNEY, PC
57 CENTRAL ST
P.O. BOX 782
ROWLEY, MA 01969

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
William F. Hartman :
Application No. 12/120,996 : DECISION ON PETITION
Filed: May 15, 2008 : TO WITHDRAW FROM
Attorney Docket No. hartma01.002 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed November 16, 2011.

The request cannot be approved because Gordon E. Nelson and the attorneys/agents associated with Customer Number 25247 did not make all the required certifications. While it is noted that practitioner asserts "The petitioner is retiring from the practice of patent law," practitioner/practitioners have not certified that (1) 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 and (2) I/We have delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled. Therefore, the request is **NOT APPROVED**.

Additionally, USPTO Form Number PTO/SB/83 requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved. (*See USPTO Form No. PTO/SB/83*).

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: William F. Hartman
P.O. Box 93836
Albuquerque, NM 97199

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ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,695,019 :
Issue Date : April 13, 2010 :
Application No. 12/121,104 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. AFG 18502-US :

This is a decision on the petition, filed August 25, 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 C. 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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FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
Kolesnikov et al. :
Application No. 12/121315 : DECISION ON PETITION
Filed: 05/15/2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. AUB-00802 :

This is a decision on the Petition for Unintentionally Delayed Benefit Claim Under 37 CFR 1.78(a)(6), filed November 30, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed Application Data Sheet.

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). 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 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 information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled

to the benefit of the 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 and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. 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 2493 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Director
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
12/121,315	05/15/2008	2493	1330	LUTZ 2 00584	20	3

CONFIRMATION NO. 6637

CORRECTED FILING RECEIPT

48116
FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

OC000000051645532

Date Mailed: 12/22/2011

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

Applicant(s)

Vladimir Kolesnikov, Union City, NJ;
Charles Rackoff, Toronto, CANADA;

Assignment For Published Patent Application

Lucent Technologies Inc.

Power of Attorney: The patent practitioners associated with Customer Number 000048116

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/930,577 05/17/2007

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 12/121,315**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND APPARATUS FOR TWO-FACTOR KEY EXCHANGE PROTOCOL RESILIENT TO PASSWORD MISTYPING

Preliminary Class

713

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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MAILED

AUG 12 2011

OFFICE OF PETITIONS

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

In re Application of :
Richard Broecker, et al. :
Application No. 12/121,356 : DECISION ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. 0012920 / 0549622 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 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 March 23, 2010. The Notice of Abandonment was mailed June 30, 2010.

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

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

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.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,386	05/15/2008	Gregory Joseph Kovacs	20052330-US-CIP1/XER22011	6775

7590 01/11/2011

FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

EXAMINER	
PATEL, RUT N	

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
01/11/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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January 11, 2011

FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND OH 44115

In re Application of :
Kovacs, Gregory Joseph et al :
Application No. 12/121,386 :
Filed: 05/15/2008 :
Attorney Docket No. 20052330-US-CIP1 :

DECISION ON PETITION

ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 15, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CLEVELAND OH 44115

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Patent No. 7,887,176 :
Issue Date: February 15, 2011 :
Application No. 12/121,386 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. **20052330-US-CIP1/XER22011** :

This is a decision on the petition filed March 29, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Xerox Corporation, Norwalk, CT (US); Palo Alto Research Center Incorporated, Palo, Alto, CA (US)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584. 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.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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AFTON CHEMICAL CORPORATION
LUEDEKA, NEELY & GRAHAM, PC
P.O. BOX 1871
KNOXVILLE TN 37901

MAILED

DEC 2 8 2010

OFFICE OF PETITIONS

In re Application of :
Vincent J. Gatto, et al. :
Application No. 12/121,462 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. 7496DIV-AC :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 7, 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 August 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 1771 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

cc: **Carol L. Cole**
11240 Waples Mill Road, Suite 300
Fairfax, VA 22030

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/3/2012

TO SPE OF : ART UNIT 3733 Robert Eduardo (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/121499 Patent No.: 8057472

CofC mailroom date: 1/12/2012

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: _____

_____

H. Dlw

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: _____

/Eduardo C. Robert/ — SPE

3733 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 4, 2011

Patent No. :7,946,473 B2
Ser. No. : 12/8121513
Inventor(s) :Mitsuhiro Kimura, et al.
Issued : May 24, 2011
Title : AUTHENTICATION INFORMATION MANAGEMENT SYSTEM, AUTHENTICATION INFORMATION MANAGEMENT SERVER, AUTHENTICATION INFORMATION MANAGEMENT METHOD AND PROGRAM

Docket No. :09812.1203-00000

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

By mail: Mail Stop PETITIONS

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

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

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

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

Magdalene Talley
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571)272-0423
Fax-(571)270-9942

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, NW
Washington, DC 20001-4413

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stattler-Suh PC
60 SOUTH MARKET
SUITE 480
SAN JOSE CA 95113

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of
Punera et al.
Application No 12/121,593
Filed: May 15, 2008
Attorney Docket No. YHOO.P0098

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 1, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 2, 2011. A Notice of Abandonment was mailed on April 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620.00; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2441 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.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Tsunoda et al.	:	
Application No. 12/121,680	:	ON PETITION
Filed: May 15, 2008	:	
Attorney Docket No. 018842.1613	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 2, 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 Request for Continued Examination (RCE), (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center AU 3651 for processing of the RCE under 37 CFR 1.114 filed concurrently with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 17, 2011

SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA AZ 85201

In re Application of	:	
Pin-Hui Sung et al.	:	**DECISION ON PETITION**
Application No. 12121694	:	
Filed: 5/15/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. API-12194	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 15, 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

DORSEY & WHITNEY LLP - NEW YORK
ATTENTION: INTELLECTUAL PROPERTY - PATENT DOCKET
51 WEST 52ND STREET
NEW YORK NY 10019-6119

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of
Jones, et al.
Application No. 12/121,702
Filed: May 15, 2008
Attorney Docket No. 190562.US.01-469739-00029

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, February 28, 2012, to obtain duplicate Letters Patent.

The petition is **DISMISSED**.

Petitioners herein request a Duplicate Letters Patent. Petitioners, however, have failed to advise the Office as to the whereabouts of the original Letters Patent.

A certified copy of the patent may be purchased through the USPTO Website or by calling the Office of Document Services at 571-272-3150 or 800-972-6382.

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

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

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

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

By Internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MATTHEW G DYOR
1646 184TH AVENUE NE
BELLEVUE WA 98008

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Elizabeth R. Dyor	:	CORRECTED DECISION
Application No. 12/121,730	:	ON PETITION
Filed: May 15, 2008	:	
Attorney Docket No. 77777.008529	:	

This is a corrected decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 26, 2009. A decision dismissing the petition was mailed on February 24, 2009.

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

The above-identified application became abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed May 27, 2008. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory filing fee ($155 small entity), the surcharge for its late filing ($65 small entity), the application search fee ($255 small entity), application examination fee ($105 small entity), and replacement drawings. The Office mailed a Notice of Abandonment on January 15, 2009.

Further review of the file reveals that applicants timely and properly responded to the May 28, 2008 Notice to File Missing Parts on September 27, 2008. The reply was made timely by including a two month extension of time, and the reply was proper in that applicants paid the fees required by the Notice.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the reply timely filed on September 27, 2008.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

MATTHEW G DYOR
1646 184TH AVENUE NE
BELLEVUE WA 98008

In re Application of :
Elizabeth R. Dyor : DECISION ON PETITION
Application No. 12/121,730 :
Filed: May 15, 2008 :
Attorney Docket No. 77777.008529 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 1, 2009.

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

The above-identified application became abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed May 27, 2008. This Notice set an extendable period for reply of two (2) months for applicants to submit the statutory filing fee ($155 small entity), the surcharge for its late filing ($65 small entity), the application search fee ($255 small entity), application examination fee ($105 small entity), and replacement drawings. The Office mailed a Notice of Abandonment on January 15, 2009.

In view of the decision withdrawing the holding of abandonment, mailed concurrently with this decision, consideration of the petition under 37 CFR 1.137(b) is not necessary. The $810 petition fee is being refunded to petitioner under separate cover.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

FILED VIA EFS

Attorney Docket No.: 11557-700.501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 12/121,734	Confirmation No.	: 7429
Applicant(s)	: Joseph Charles Eder et al.		
Filing Date	: May 15, 2008		
Art Unit	: 3739		
Examiner	: DVORAK, LINDA C		
Title	: ELECTROCAUTERY METHOD AND APPARATUS		
Customer No.	: ***66854***		

Mail Stop Express Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

PETITION TO MAKE SPECIAL UNDER PROJECT EXCHANGE/PATENT APPLICATION BACKOG REDUCTION STIMULUS PLAN UNDER 37 C.F.R. 1.102

Dear Sir:

Applicants hereby petition in the above-referenced patent application for special status in connection with the Project Exchange/Patent Application Backlog Reduction Stimulus Plan based on the following:

a. Applicants have expressly abandoned co-pending, co-owned, completed application no. 11/848,015 filed August 30, 2007 and application no. 12/165,389 filed June 30, 2008.
b. A copy of the concurrently filed Express Abandonment of both application no. 11/848,015 and application no. 12/165,389 follows this Petition.
c. The present application, the expressly abandoned application no. 11/848,015 and the expressly abandoned application no. 12/165,389 are owned by Aragon Surgical, Inc. by way of an Assignment from the inventors. Attached are copies of the Notices of

Recordation of Assignment from: the present case, application no. 11/848,015 and application no. 12/165,389.

d. Applicants have not filed Petitions to Make Special in more than fourteen (14) other applications requesting special status under this program.

e. Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

f. The express abandonment of application no. 11/848,015 and application no. 12/165,389, are not the basis for more than one Petition under 37 C.F.R. §1.102.

No fees are believed to be due in connection with this filing. The requirement for a fee to consider a petition to make special for applications pertaining to Project Exchange/Patent Application Backlog Reduction Stimulus Plan is waived. However, the Commissioner is authorized to deduct any required fees for this filing from Deposit Account No. 50-4050.

Respectfully submitted,

Dated: 11/19/10

Douglas C. Limbach, Reg. No. 35,249
Attorney of Record

SHAY GLENN LLP
2755 CAMPUS DRIVE, SUITE 210
SAN MATEO, CA 94403
TELEPHONE: 650.212.1700
FACSIMILE: 650.212.7562

COPY

FILED VIA EFS

Attorney Docket No.: 11557-711.501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 12/165,389	Confirmation No.	: 1836
Applicant(s)	: Joseph Charles Eder et al.		
Filing Date	: June 30, 2008		
Art Unit	: 3736		
Examiner	: Nguyen, Huong Q.		
Title	: METHOD AND APPARATUS FOR ASSISTING IN THE INTRODUCTION OF SURGICAL IMPLEMENTS INTO A BODY		
Customer No.	: ***66854***		

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

EXPRESS ABANDONMENT UNDER 37 C.F.R. 1.138(a)

Dear Sir:

Applicants hereby request that the above-identified application be expressly abandoned as of the filing date of this paper. This request is made in connection with a Petition to Make Special Under Project Exchange/Patent Application Backlog Reduction Stimulus Plan to be filed in co-pending, co-owned, completed application no. 12/121,734 which was filed on May 15, 2008.

Applicants hereby state the following:

a. Applicants have 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.

b. Applicants agree not to request a refund of any fees paid in this expressly abandoned application.

c. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application.

No fees are believed to be due in connection with this filing. However, the Commissioner is authorized to deduct any required fees for this filing from Deposit Account No. 50-4050.

Respectfully submitted,

Dated: 11/19/10

Douglas C. Limbach

Douglas C. Limbach, Registration No. 35,249
Attorney of Record

SHAY GLENN LLP
2755 CAMPUS DRIVE, SUITE 210
SAN MATEO, CA 94403
TELEPHONE: 650.212.1700
FACSIMILE: 650.212.7562

COPY

FILED VIA EFS

Attorney Docket No.: 11557-711.500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 11/848,015	Confirmation No.	: 3093
Applicant(s)	: Peter Seth Edelstein et al.		
Filing Date	: August 30, 2007		
Art Unit	: 3736		
Examiner	: Nguyen, Huong Q.		
Title	: METHOD AND APPARATUS FOR ASSISTING IN THE INTRODUCTION OF SURGICAL IMPLEMENTS INTO A BODY		
Customer No.	: *66854*		

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

EXPRESS ABANDONMENT UNDER 37 C.F.R. 1.138(a)

Dear Sir:

Applicants hereby request that the above-identified application be expressly abandoned as of the filing date of this paper. This request is made in connection with a Petition to Make Special Under Project Exchange/Patent Application Backlog Reduction Stimulus Plan to be filed in co-pending, co-owned, completed application no. 12/121,734 which was filed on May 15, 2008.

Applicants hereby state the following:

a. Applicants have 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, other than the following application:

   i. Applicants have concurrently expressly abandoned application no. 12/165,389 (filed on June 30, 2008), which is a continuation-in-part of application no. 11/848,015.

b. Applicants agree not to request a refund of any fees paid in this expressly abandoned application.

c. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application.

No fees are believed to be due in connection with this filing. However, the Commissioner is authorized to deduct any required fees for this filing from Deposit Account No. 50-4050.

Respectfully submitted,

Dated: 11/19/10

Douglas C. Limbach, Registration No. 35,249
Attorney of Record

SHAY GLENN LLP
2755 CAMPUS DRIVE, SUITE 210
SAN MATEO, CA 94403
TELEPHONE: 650.212.1700
FACSIMILE: 650.212.7562

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500559382A

JUNE 06, 2008

PTAS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 06/05/2008 REEL/FRAME: 021055/0355
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: ARAG0016CIP

ASSIGNOR:
EDER, JOSEPH CHARLES DOC DATE: 04/29/2008

ASSIGNOR:
NORDELL II, BENJAMIN THEODORE DOC DATE: 04/29/2008

ASSIGNOR:
EDELSTEIN, PETER SETH DOC DATE: 04/29/2008

ASSIGNOR:
NEZHAT, CAMRAN DOC DATE: 05/01/2008

ASSIGNOR:
KANE, MARK DOC DATE: 04/29/2008

ASSIGNOR:
WALBERG, ERIK DOC DATE: 04/29/2008

APPROVED
JUN 09 2008

By: _____
Date: 6-6-08

021055/0355 PAGE 2

ASSIGNEE:
ARAGON SURGICAL, INC.
1810B EMBARCADERO ROAD
PALO ALTO, CALIFORNIA 94303

SERIAL NUMBER: 12121734 FILING DATE: 05/15/2008
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROCAUTERY METHOD AND APPARATUS

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

500581144A

JULY 01, 2008

PTAS

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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RECORDATION DATE: 06/30/2008
REEL/FRAME: 021174/0500
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: ARAG0015CIP2

ASSIGNOR:
EDER, JOSEPH CHARLES
DOC DATE: 06/29/2008

ASSIGNOR:
EDELSTEIN, PETER SETH
DOC DATE: 06/30/2008

ASSIGNEE:
ARAGON SURGICAL, INC.
1810B EMBARCADERO ROAD
PALO ALTO, CALIFORNIA 94303

SERIAL NUMBER: 12165389
FILING DATE:
PATENT NUMBER:
ISSUE DATE:
TITLE: METHOD AND APPARATUS FOR ASSISTING IN THE INTRODUCTION OF SURGICAL IMPLEMENTS INTO A BODY

APPROVED JUL 15 2008

DOCKETED By: as Date: 7.17.08

021174/0500 PAGE 2

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

:GLENN PATENT GROUP COMPA :3475 EDISON WAY, SUITE L

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUGUST 31, 2007

PTAS

500345734A

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/30/2007
REEL/FRAME: 019770/0199
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: ARAG0015CIP

ASSIGNOR:
EDELSTEIN, PETER SETH
DOC DATE: 08/30/2007

ASSIGNOR:
EDER, JOSEPH CHARLES
DOC DATE: 08/30/2007

ASSIGNEE:
ARAGON SURGICAL, INC.
1810B EMBARCADERO ROAD
PALO ALTO, CALIFORNIA 94303

SERIAL NUMBER: 11848015
FILING DATE:
PATENT NUMBER:
ISSUE DATE:
TITLE: METHOD AND APPARATUS FOR ASSISTING IN THE INTRODUCTION OF SURGICAL IMPLEMENTS INTO A BODY

APPROVED
SEP 06 2007
DOCKETED
BY:
DATE: 9-6-07

:GLENN PATENT GROUP COMPA :3475 EDISON WAY, SUITE L

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 29 2010

OFFICE OF PETITIONS

SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

In re Application of :
EDER, et al. :
Application No. 12/121,734 :
Filed: May 15, 2008 :
Attorney Docket No. **11557-700.501** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed November 19, 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

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DEC 08 2010

OFFICE OF PETITIONS

THOMAS F LENIHAN
TEKTRONIX INC
14150 SW KARL BRAUN DRIVE
PO BOX 500 (50-LAW)
BEAVERTON OR 97077-0001

In re Application of :
Burt, et al. :
Application No. 12/121,765 : ON PETITION
Filed: May 15, 2008 :
Attorney Docket No. 8365-US

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 23, 2010.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed June 16, 2010. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on September 17, 2010. The Office mailed a Notice of Abandonment on September 29, 2010.

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

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3).

The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE CA 92612

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of :
Guo :
Application No. 12/121,781 : NOTICE
Filed: May 15, 2008 :
Attorney Docket No. 1291-051.101 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 29, 2011.

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

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

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

This application is being forwarded to the Office of Data Management for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 026335-007310US	Application Number (if known): 12/121,788	Filing date: 05/16/2008

First Named Inventor: Kevin R. Gibson

Title: Concentrating Module and Method of Manufacture for Photovoltaic Strips

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: See attached Petition

Signature /Richard T. Ogawa/	Date 09/23/2010
Name (Print/Typed) Richard T. Ogawa	Registration Number 37,692

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

☐ *Total of _____ forms are submitted.

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

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

I hereby certify that this correspondence is being filed Via EFS-Web with the USPTO on September 23, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Attorney Docket No.: .: 025902-007310US
Kevin R. Gibson	Confirmation No. 7512
Application No.: 12/121,788	Examiner: PILLAY, DEVINA
Filed: May 16, 2008	Technology Center/Art Unit: 1795
For: CONCENTRATING MODULE AND METHOD OF MANUFACTURE FOR PHOTOVOLTAIC STRIPS	Petition to Make Special Under the Green Technology Pilot Program
Customer No.: 83275	Date: September 23, 2010

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

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application, after submission of a preliminary amendment together with this petition, contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:
Since this application was already published on November 27, 2008 (Publication No. US 2008-0289689 A1), it is believed that there is no need to request early publication under 37 CFR 1.219. However, the publication fee $300 set forth in CFR 1.18(d) accompanies this petition request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources.
The claimed invention relates generally to solar energy techniques providing a method and resulting device for manufacturing the solar energy conversion system.

By filing this petition: applicant hereby agrees 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.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692

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.
12/121,788	05/16/2008	KEVIN R. GIBSON	025902-007310US	7512

83275 7590 10/04/2010

AMPACC Law Group
3500 188th Street SW, Suite103
Lynnwood, WA 98037

EXAMINER	
PILLAY, DEVINA	
ART UNIT	**PAPER NUMBER**
1795	

NOTIFICATION DATE	DELIVERY MODE
10/04/2010	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):

DOCKETING @AMPACC.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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AMPACC Law Group
3500 188th Street SW, Suite103
Lynnwood WA 98037

OCT 04 2010

In re Application of	:	
Gibson	:	DECISION ON PETITION
Application No. 12/121,788	:	TO MAKE SPECIAL UNDER
Filed: 5/16/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **025902-007310US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/23/2010, 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 Tom Dunn at 571-272-1171.

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/121,799	05/16/2008	Lien-Wei Lee	25071-US-PA	7529

7590 02/18/2011

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER	
MEHTA, BHAVESH M	
ART UNIT	PAPER NUMBER
2624	
NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Hisashi Ohtani :
Application No. 12/121,896 : DECISION GRANTING PETITION
Filed: May 16, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07977-0152006 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 5, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 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 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 2895 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Caterpillar Inc.
Intellectual Property Dept.
AH 9510
100 N.E. Adams Street
PEORIA IL 61629-9510

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SEP 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Callaghan et al.	:	
Application No.: 12/121899	:	DECISION ON
Filing or 371(c) Date: 05/16/2008	:	PETITION
Attorney Docket Number: 07-410	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed August 15, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to file a complete and proper reply to the Notice to File Corrected Application Papers ("Notice"), mailed May 19, 2011. The Notice set a non-extendable two (2) month period for reply. No complete and proper reply having been received, the application became abandoned on July 20, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Publishing Division for processing of the reply filed with the present petition, and for continued processing in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
NOV 03 2011
OFFICE OF PETITIONS

In re Application of :
CHRISTOPHER M. GALLANT : DECISION ON
Application No. 12/122,001 : APPLICATION FOR
Filed: May 16, 2008 : PATENT TERM ADJUSTMENT:
Attorney Docket No. 05918-483001 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed on October 26, 2011. Applicant requests that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from six hundred ninety seven (697) days to eight hundred twenty-six (826) days.

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

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is eight hundred twenty-six (826) days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On October 20, 2011, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, stating that the Patent Term Adjustment to date was 697 days. This application for patent term adjustment was timely filed with the payment of the issue fee.[1]

A review of the application history confirms that applicant's characterization of the basis for and amounts of the adjustments

[1] PALM records indicate that the issue fee was paid on October 26, 2011.

and reductions of patent term in this application at the time of the mailing of the Notice of Allowance are correct.

In view thereof, the corrected determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 826 days.

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

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

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 12/122,001

Filing or 371(c) Date:	05-16-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	728
A Delays:	728	PTO Manual Adjustments:	129
B Delays:	0	Applicant Delays:	31
C Delays:	0	Total PTA Adjustments:	826

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
67	11-01-2011	Adjustment of PTA Calculation by PTO	826		0
66	11-01-2011	Adjustment of PTA Calculation by PTO	31		0
65	11-01-2011	Adjustment of PTA Calculation by PTO		728	0
57	10-20-2011	Mail Notice of Allowance			0
56	10-18-2011	Office Action Review			0
55	10-18-2011	Office Action Review			0
54	10-18-2011	Issue Revision Completed			0
53	10-14-2011	Office Action Review			0
52	10-14-2011	Office Action Review			0
51	10-14-2011	Office Action Review			0
50	10-14-2011	Office Action Review			0
49	10-14-2011	Allowed Case Returned to the Examiner for Clerical Processing			0
48	10-14-2011	Document Verification			0
47	10-14-2011	Notice of Allowance Data Verification Completed			0
46	10-13-2011	Reasons for Allowance			0
45	10-13-2011	Allowability Notice			0
44	09-09-2011	Information Disclosure Statement considered			0
41	09-09-2011	Information Disclosure Statement (IDS) Filed			0

40	09-09-2011	Reference capture on IDS			0
39	09-09-2011	Information Disclosure Statement (IDS) Filed		31	30
38	09-06-2011	Preliminary Amendment			0
37	09-09-2011	Email Notification			0
36	09-09-2011	Mail Examiner Interview Summary (PTOL - 413)			0
35	09-06-2011	Office Action Review			0
34	09-06-2011	Office Action Review			0
33	09-06-2011	Interview Summary- Applicant Initiated			0
32	09-06-2011	Examiner Interview Summary Record (PTOL - 413)			0
31	09-05-2011	Date Forwarded to Examiner			0
30	08-09-2011	Response to PICO-Request			0
29	08-09-2011	Letter Requesting Interview with Examiner			0
28	07-14-2011	Mail Pre-Interview Communication	728		0.5
27	07-13-2011	Pre-Interview Communication			0
25	07-14-2011	Office Action Review			0
23	11-24-2008	Information Disclosure Statement considered			0
22	10-20-2008	Information Disclosure Statement considered			0
21	05-24-2011	Request for first action interview			0
20	05-24-2011	Preliminary Amendment			0
19	11-20-2009	Email Notification			0
18	11-19-2009	PG-Pub Issue Notification			0
17	11-24-2008	Reference capture on IDS			0
16	11-24-2008	Information Disclosure Statement (IDS) Filed			0
15	10-20-2008	Reference capture on IDS			0
14	10-20-2008	Information Disclosure Statement (IDS) Filed			0

12	11-24-2008	Information Disclosure Statement (IDS) Filed	0
10	10-20-2008	Information Disclosure Statement (IDS) Filed	0
9	09-17-2008	Case Docketed to Examiner in GAU	0
8	08-22-2008	IFW TSS Processing by Tech Center Complete	0
7	06-30-2008	Application Dispatched from OIPE	0
6	05-29-2008	Sent to Classification Contractor	0
5	05-29-2008	Filing Receipt	0
4	05-29-2008	Application Is Now Complete	0
3	05-19-2008	Cleared by OIPE CSR	0
2	05-16-2008	IFW Scan & PACR Auto Security Review	0
1	05-16-2008	Initial Exam Team nn	0
0.5	05-16-2008	Filing date	0

Close Window

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/13/11

TO SPE OF : ART UNIT 1741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12122012 Patent No.: 7850825

CofC mailroom date: 09/01/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Formatted: Font: 12 pt

Comments: 37 CFR 1.78(a)(2)(iii) states "If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title." A review of the file revealed that there is no application data sheet, and the specification does not contain the required reference in the first sentence following the title. Since this required reference was not located, this request for a certificate of correction is denied.

Matthew J. Daniels, SPE Art Unit 1741

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 09/15/11

Patent No. : 7850825 B2
Patent Issued : 12/14/10
Docket No. : **VOI0541.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.

Respecting the alleged errors in the documents filed on 09/01/11; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

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

Todd T. Taylor
Taylor & Aust, P.C.
P.O. Box 560
142 S. Main Street
Avilla IN 46710

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/13/11

TO SPE OF : ART UNIT 1741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12122012 Patent No.: 7850825

CofC mailroom date: 09/01/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

☐ **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: 37 CFR 1.78(a)(2)(iii) states "If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title." A review of the file revealed that there is no application data sheet, and the specification does not contain the required reference in the first sentence following the title. Since this required reference was not located, this request for a certificate of correction is denied.

Matthew J. Daniels, SPE Art Unit 1741

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/12/11

TO SPE OF : ART UNIT 1741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12122012 Patent No.: 7850825

CofC mailroom date: 10/06/11

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

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.

October 14, 2011

Matthew J. Daniels, SPE Art Unit 1741

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of :
Derek James Black :
Application No. 12/122,049 : DECISION ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. HLBB 0101 PUS :

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, filed concurrently with a petition under 37 CFR 1.28.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 8, 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 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

The petition under 37 CFR 1.28, a fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

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

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received July 8, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 21 2012

OFFICE OF PETITIONS

SPRINLER IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

In re Application of :
Leslie Hagen :
Application No. 12/122,104 : DECISION ON PETITION
Filed: May 16, 2008 : TO WITHDRAW
Attorney Docket No. ZIMM1460 : 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 15, 2012.

The request is **NOT APPROVED**.

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

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer umber Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (PTO/SB/83).

The request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner by which they were appointed.

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

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Frank G. Pilkiewicz, et al.
Application No. 12/122,191
Filed: May 16, 2008
Attorney Docket No. TRA-043.02

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

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

The request was signed by Beth E. Arnold on behalf of all attorneys of record who are associated with customer No. 25181. All attorneys/agents associated with the Customer Number 25181 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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).

There is an outstanding Office action mailed December 3, 2010 that requires a reply from the applicant.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FRANK G. PILKIEWICZ
3 DAVENPORT DRIVE
PRINCETON JUNCTION, NJ 08550

cc: FRANK G. PILKIEWICZ
C/O TRANSAVE, INC.
11 DEER PARK DRIVE
SUITE 117
MONMOUTH JUNCTION, NJ 08852

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/122,191	05/16/2008	Frank G. Pilkiewicz	TRA-043.02

CONFIRMATION NO. 8344

POWER OF ATTORNEY NOTICE

25181
FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

Date Mailed: 03/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

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

/amwise/

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

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	12122250
Filing Date	16-May-2008
First Named Inventor	James Prudent
Art Unit	1637
Examiner Name	YOUNG KIM
Attorney Docket Number	023542-0267
Title	METHODS FOR THE DETECTION OF RESPIRATORY VIRUSES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23524

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	ERAGEN BIOSCIENCES, INC.
Address	918 DEMING WAY, Suite 201
City	MADISON
State	WI
Postal Code	53717-1944
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Kassel, Mark/
Name	Kassel, Mark
Registration Number	38200

UNITED STATES 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 30, 2011

In re Application of :

James Prudent

Application No : 12122250

Filed : 16-May-2008

Attorney Docket No : 023542-0267

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 November 30, 2011

The request is **APPROVED.**

The request was signed by Kassel, Mark (registration no. 38200) on behalf of all attorneys/agents associated with Customer Number 23524 . All attorneys/agents associated with Cusotmer Number 23524 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 ERAGEN BIOSCIENCES, INC.
Name2
Address 1 918 DEMING WAY, Suite 201
Address 2
City MADISON
State WI
Postal Code 53717-1944
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

Docket No. 326561US0CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuki NISHIMURA, et al.

SERIAL NO: 12/122,316 EXAMINER: CROUSE, BRETT A.

FILED: May 16, 2008 GROUP ART UNIT: 2879

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 12/044,291 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:	8982692
Application Number:	12044291
International Application Number:	
Confirmation Number:	6998
Title of Invention:	COPY ORGANIC ELECTROLUMINESCENCE DEVICE AND DISPLAY
First Named Inventor/Applicant Name:	Chishio Hosokawa
Customer Number:	22850
Filer:	Marvin Jay Spivak/Michelle Munday
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	323502US0
Receipt Date:	07-DEC-2010
Filing Date:	07-MAR-2008
Time Stamp:	15:02:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		323502USABANDON.PDF	89019 c2980d39b68cb75c371468d10bd068cd647b9fa6	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):	89019	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.: 323502US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

COPY

RE: Application Serial No.: 12/044,291
Applicants: Chishio HOSOKAWA, et al.
Filing Date: March 7, 2008
For: ORGANIC ELECTROLUMINESCENCE DEVICE AND DISPLAY
Group Art Unit: 1794
Examiner: WILSON, MICHAEL H.

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. 323502US0

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Chishio HOSOKAWA, et al.

SERIAL NO: 12/044,291 EXAMINER: WILSON, MICHAEL H.

FILED: March 7, 2008 GROUP ART UNIT: 1794

FOR: ORGANIC ELECTROLUMINESCENCE DEVICE AND DISPLAY

EXPRESS ABANDONMENT UNDER 37 CFR 1.138(a)

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 12/122,316 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)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of :
NISHIMURA, et al. :
Application No. 12/122,316 :
Filed: May 16, 2008 :
Attorney Docket No. **326561US0CIP** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 7, 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.

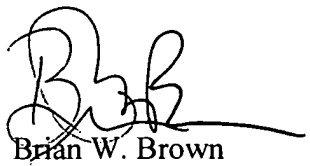
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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
www.uspto.gov

Decision Date : June 9,2011

In re Application of :

Bruce Field

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 12122350

Filed : 16-May-2008

Attorney Docket No : G80.12-0002

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 9,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 1724 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	12122350
Filing Date	16-May-2008
First Named Inventor	Bruce Field
Art Unit	1724
Examiner Name	ARUN PHASGE
Attorney Docket Number	G80.12-0002
Title	HAND-HELD SPRAY BOTTLE HAVING AN ELECTROLYZER AND METHOD THEREFOR

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

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

Signature	/David D. Brush/
Name	David D. Brush
Registration Number	34557

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OFFICE OF PETITIONS

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

In re Patent No. 7,737,511 :
Issue Date: June 15, 2010 :
Application No. 12/122,424 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 325692US-2SRD DIV :

This is a decision on the petition filed June 25, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to 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.

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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PATRICK R. SCANLON
PRETI FLAHERTY BELIVEAU & PACHIOS LLP
ONE CITY CENTER
PORTLAND ME 04112-9546

MAILED

FEB 16 2012

OFFICE OF PETITIONS

In re Application of :
Senthil Prabakaran :
Application No. 12/122,485 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. **35169US02** :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed January 27, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed May 19, 2011 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed December 7, 2011.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2173 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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Marc C. Hadfield	:	
Application No. 12/122,591	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 36283-501001US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ONE FINANCIAL CENTER
BOSTON MA 02111

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JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Marc C. Hadfield	:	
Application No. 12/122,591	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 36283-501001US	:	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 23, 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

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BOSTON MA 02111

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AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Marc C. Hadfield	:	
Application No. 12/122,591	:	DECISION ON PETITION
Filed: May 16, 2008	:	TO WITHDRAW
Attorney Docket No. 36283-501001US	:	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 July 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Pedro F. Suarez, 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: Alitora Systems, Inc.
111 Pine Street, Suite 1615
San Francisco, CA 94111

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
12/122,591	05/16/2008	Marc C. Hadfield	36283-501001US

CONFIRMATION NO. 9160

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

POWER OF ATTORNEY NOTICE

OC000000048937947

Date Mailed: 07/25/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/22/2011.

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

/kainabinet/

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

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AUG 13 2010

OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Reissue Application of :
Joseph B. Tomkins et al. :
Application No. 12/122,625 : ON PETITION
Filed: May 16, 2008 :
Attorney Docket No. 320528374US7 :

This is a decision on the petition under 37 CFR 1.47(a) filed July 15, 2010, which is being treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR §§ 1.67 and 1.172 which would require that the supplemental reissue declaration of July 15, 2010 have been executed by the inventors.[1]

The petition is **DISMISSED as involving moot issues**.

BACKGROUND

1. U.S. Patent No. 7,046,686 issued to Tompkins, Lussier and Snyder on May 16, 2006.

2. The instant application, 12/122,625, filed May 16, 2008, is a broadening reissue application filed for the '686 patent.

3. After the filing of Reissue Application 12/122,625 and in response to a Notice to File Missing Parts, a REISSUE APPLICATION DECLARATION BY THE INVENTOR was filed and signed by inventors Tompkins, Lussier and Snyder.

4. On July 15, 2010, applicant filed the instant petition requesting suspension or waiver of the "regulations pertaining to the filing of a Supplemental Declaration under 37 C.F.R. § 1.175" that require a supplemental reissue declaration to be signed by the inventors.

---

[1] Rule 47 only applies where, in the first instance, the signature of an originally named, or to be added, inventor can not be obtained. As both Wong and Peng executed an original reissue declaration and thus "made" the application, 37 CFR 1.47 never applied to this case. See 37 CFR 1.47; MPEP 201.03. Rather, the remedy lies under 37 CFR 1.183 when a required supplemental declaration is not executed in whole or in part by a previously signing inventor(s). See MPEP 603.

5. The petition was accompanied by a "SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)," signed by inventors Lussier and Snyder but not by Tompkins.

6. The petition proffered a showing, including a supporting declaration of Tracy Meeker, a paralegal at the law firm of Perkins Coie, LLP, to establish the efforts made to have inventor Tompkins sign the supplemental reissue declaration and the lack of success of such efforts.

DECISION

The provisions of 35 U.S.C. 251, which is directed to reissue of patents, do not address the signature requirements of a declaration or oath in reissue. As to the reissue regulations, 37 CFR 1.172 requires that a reissue declaration or oath be made (and signed) by the inventors, except as otherwise provided (37 CFR §§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. In addition, 37 CFR 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit **a supplemental oath or declaration** stating that every such error arose without any deceptive intention on the part of the applicant." [Emphasis added]

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires that a supplemental oath or declaration be signed by the inventor(s). This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signatures of the inventors.

While the petition filed July 15, 2010 requested suspension or waiver of the "regulations pertaining to the filing of a Supplemental Declaration under 37 C.F.R. § 1.175" that require a supplemental reissue declaration to be signed by the inventors, comes now petitioner on July 29, 2010 with a supplemental reissue declaration executed by Tompkins.

In view of the joinder of the previously non-signing joint inventor, and in view of the supplemental reissue declaration now being fully executed by the three joint inventors, further consideration under 37 CFR 1.183 is unnecessary.

The petition filed July 15, 2010 is **DISMISSED** as involving moot issues.

The "Supplemental Reissue Application Declaration by the Inventor" submitted with the

petition filed July 15, 2010, taken together with the "Supplemental Reissue Application Declaration by the Inventor" submitted July 29, 2010 will be accepted to the extent that the declarations are signed by all of the inventors.

Jurisdiction over the application is forwarded to Technology Center 2611 for further examination.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,845,031
Issue Date: December 7, 2010
Application No. 12/122,654
Filed: May 16, 2008
Attorney Docket No. 4230-141-DIV 2

NOTICE

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Tatsuno :
Application No. 12/122,660 :
Filed: May 16, 2008 :
Attorney Docket No. 4230-141-DIV4 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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SUGHRUE-265550
2100 PENNSYLVANIA ., NW
WASHINGTON DC 20037-3213

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Kenichi Tanaka et al :
Application No. 12/122,761 : DECISION GRANTING PETITION
Filed: May 19, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q108244 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 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 January 5, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2612 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/15/10

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12122795 Patent No.: 7678807

CofC mailroom date:
12/03/10

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

SPE _____ **Art Unit** 1624

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/15/10

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12122795 Patent No.: 7678807

CofC mailroom date:
12/03/10

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

Comments: Insertion of C_{1-3} is not considered new matter (specification, page 2, line 30).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki et al :
Application No. 12/122,823 : ON PETITION
Filed: May 19, 2008 :
Attorney Docket No. 740756-3194

This is a decision on the petition, filed January 18, 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 10, 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 2822 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).

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,798,636

APPLICATION NO.: 12/122,857

ISSUE DATE : September 21, 2010

INVENTOR(S) : Francois-Regis FRADIN DE LA RENAUDIERE

OK Aproved by HD 11/18/10

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:

Column 5, line 47, cancel the text beginning with "6. A glasses frame" to and ending "removable support." in column 5, line 49, and insert the following claim:

6. A glasses frame according to claim 1, wherein the removable support comprises two pads over which a layer of foam extends.

Column 5, line 50, cancel the text beginning with "7. A glasses frame" to and ending "removable support." in column 5, line 52, and insert the following claim:

7. An optical mask comprising two lenses and a bridge formed in a single piece, wherein the bridge is provided with a rest to lie on the nose of a wearer, wherein the rest comprises a support and a layer of thermo-formable foam secured to the support, and wherein the support is fixed to the bridge in a removable way to allow the layer of thermo-formable foam to thermally conform by taking an impression after it is heated remotely from the bridge and then applied to the nose of a wearer and by retaining that impression after cooling.

Column 5, line 53, cancel the text beginning with "8. An optical mask" to and ending "impression after cooling." in column 6, line 7, and insert the following claim:

8. An optical mask according to claim 7, wherein the foam is a cross-linked polyolefin, having a density of between 20 kg/m3 and 40 kg/m3 and a thermal conductivity of less than 0.040 W/m.K.

Column 6, line 8, cancel the text beginning with "9. An optical mask" to and ending "0.040 W/m.K." in column 6, line 11, and insert the following claim:

9. An optical mask according to claim 7, wherein the support is fixed to the bridge by means of a plate fixed relative to a rod, itself held to the support by elastic pinching after passing through the bridge via a bore.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Michael O. Sturm - Sturm & Fix LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,798,636

APPLICATION NO.: 12/122,857 OK Approved by HD 11/18/10.

ISSUE DATE : September 21, 2010

INVENTOR(S) : Francois-Regis FRADIN DE LA RENAUDIERE

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:

Column 6, line 40, cancel the text beginning with "18. An optical mask" to and ending "the removable support." in column 6, line 42, and insert the following claim:
18. A glasses frame according to claim 1, wherein the layer of thermo-formable foam is formed by a distribution of specks of foam over the removable support.

Column 6, line 43, cancel the text beginning with "19. A glasses frame" to and ending "impression after cooling." in column 6, line 50, and insert the following claim:
19. An optical mask according to claim 7, wherein the layer of thermo-formable foam is formed by a distribution of specks of foam over the removable support.

Column 6, line 51, delete "19" and insert --12--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Michael O. Sturm - Sturm & Fix LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076

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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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101118

DATE : November 18, 2010

TO SPE OF : ART UNIT 2873

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

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

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

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

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

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

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

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

Comments:

Hung Dang

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,798,636

APPLICATION NO.: 12/122,857 OK Approved by HD 11/18/10.

ISSUE DATE : September 21, 2010

INVENTOR(S) : Francois-Regis FRADIN DE LA RENAUDIERE

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:

Column 6, line 12, cancel the text beginning with "10. An optical mask" to and ending "via a bore." in column 6, line 15, and insert the following claim:
10. An optical mask according to claim 7, wherein the layer of foam adopts a concavo-convex profile of the support to thermally conform at the junction of the nose and the forehead of a wearer.

Column 6, line 16, cancel the text beginning with "11. An optical mask" to and ending "of a wearer." in column 6, line19, and insert the following claim:
11. An optical mask according to claim 7, wherein the removable support comprises two pads over which a layer of foam extends.

Column 6, line 20, cancel the text beginning with "12. An optical mask" to and ending "foam extends." in column 6, line 22, and insert the following claim:
12. A glasses frame comprising a brow-bar provided with a rest to lie on the nose, wherein the rest comprises a support and a layer of thermo-formable foam secured to the support, and wherein the support is fixed to the bridge in a removable way to allow the layer of thermo-formable foam to thermally conform by taking an impression after it is heated remotely from the bridge and then applied to the nose of a wearer and by retaining that impression after cooling.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Michael O. Sturm - Sturm & Fix LLP
206, Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076

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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.
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MEYER CORPORATION, U.S.
ATTN: EDWARD S. SHERMAN, ESQ.
ONE MEYER PLAZA
VALLEJO CA 94590

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of :
Ng et al. : DECISION ON PETITION
Application No. 12/122,858 :
Filed: May 19, 2008 :
Atty Docket No. **137.74NP** :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 30, 2011.

The petition is **GRANTED**.

On January 5, 2011, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective April 6, 2011. A courtesy Notice of Abandonment was mailed on August 5, 2011.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay, and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 3726 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on petition filed September 30, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
DEC 29 2011
OFFICE OF PETITIONS

In re Application of :
Matthias Schuessler :
Application No. 12/122,879 : DECISION ON PETITION
Filed: May 19, 2008 :
Attorney Docket No. LBP-PT082 :

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 Notice to File Corrected Application Papers mailed July 15, 2011. A Notice of Abandonment was mailed on September 28, 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; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Corrected Application Papers mailed July 15, 2011, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2877 for consideration by the examiner of the amendment filed September 28, 2011. Afterwards, the application will be referred to the Office of Data Management for further processing.

/KOC/
Karen Creasy
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	12122894
Filing Date	19-May-2008
First Named Inventor	Stephen Miller
Art Unit	1622
Examiner Name	DEBORAH CARR
Attorney Docket Number	T-7194
Title	ISOLATION AND SUBSEQUENT UTILIZATION OF SATURATED FATTY ACIDS AND ALPHA-OLEFINS IN THE PRODUCTION OF ESTER-BASED BIOLUBRICANTS

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	/Penny L. Prater/
Name	Penny L. Prater
Registration Number	34965

UNITED STATES 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 14, 2011

In re Application of :

Stephen Miller

Application No : 12122894

Filed : 19-May-2008

Attorney Docket No : T-7194

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 14, 2011, to revive the above-identified application.

The petition is **GRANTED.**

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

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

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

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

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of :
Duke V. Rogers :
Application No. 12/122,909 : ON PETITION
Filed: May 19, 2009 :
Attorney Docket No.: 4350 :

This is a decision in response to the petition, filed June 18, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to the non-final Office action of April 1, 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) was obtained. Accordingly, the application became abandoned on July 2, 2009. A Notice of Abandonment was subsequently mailed on October 14, 2009. On June 18, 2010, the present petition was filed.

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

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).

It is noted that the petition does not include a response in the present application to continue it's prosecution; however, petitioner indicates that a continuing application (Design), was filed. The petition is not accompanied by a statement of express abandonment in favor of the filing of the continuing application.

In order to facilitate action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, the statement in the petition will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

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

This application is being revived solely for the purpose of continuity with the continuing application, Application No. 29/364,145, filed June 18, 2010. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 29/364,145.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DUKE V. ROGERS
3796 E. PRESIDENTIAL DRIVE
MERIDIAN, ID 83642

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	12122990
Filing Date	19-May-2008
First Named Inventor	Hiromi Sakurai
Art Unit	2852
Examiner Name	RODNEY BONNETTE
Attorney Docket Number	00684.147260.
Title	ELECTROPHOTOGRAPHIC IMAGE FORMING APPARATUS WITH MOVABLE TRAY FOR SUPPORTING A CARTRIDGE

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	/Donald H. Heckenberg, Jr./
Name	Donald H. Heckenberg, Jr.
Registration Number	60081

UNITED STATES 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 31,2011

In re Application of :

Hiromi Sakurai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12122990

Filed : 19-May-2008

Attorney Docket No : 00684.147260.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 31,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2852 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	("7798359").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 12:06
S2	2	("7798024").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 12:08
S3	0	(60/602391).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 12:14
S4	3	("4359169").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 12:56
S5	24	("3973719" | "4171084" | "4209126" | "4280653").PN. OR ("4359169").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/01 12:57
S6	629	cap with (foil or membrane) adj seal	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:01
S7	0	220/319,359.1,359.2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:02
S8	1207	(220/319,359.1,359.2).OCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 13:03
S9	0	("006and8").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 13:03

S10	0	S6 and S8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:03
S11	0	215/232,341,346,349	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:03
S12	1526	(215/232,341,346,349).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 13:03
S13	0	("06and11").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/01 13:04
S14	0	S6 and S11	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:04
S15	36	S6 and S12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/01 13:04
S16	14	("2193381" | "2222042" | "2925188").PN. OR ("4739892").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/01 13:11
S17	32	"4953695"	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/01 14:59
S18	73	"4625875"	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/01 16:40
S19	27	("20060225383" | "20080173666" | "3890221" | "4319690" | "4394916" | "4460106" | "5197616" | "5433329" | "5720013" | "6021918" | "6039208").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/02 16:08
S20	33	("3926335" | "4572403" | "4674651" | "4838453" | "5004966" | "5176285" | "5246136" | "5323929" | "5472113" | "5564593" | "5582323" | "5609268").PN. OR ("6021918").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/02 16:13

S21	61	("0630452" | "0932983" | "20060225383" | "2610100" | "2828005" | "3162287" | "3227127" | "3339798" | "3394796" | "3495567" | "3722739" | "3895737" | "3921806" | "3926335" | "4124143" | "4319690" | "4454971" | "4460106" | "4572376" | "4572403" | "4611727" | "4838453" | "4939705" | "5005281" | "5392952" | "5575392" | "5603429" | "5664697" | "5678712" | "6021918" | "6039208" | "6098835" | "6109252" | "6193103" | "6206216" | "6234343" | "6364155" | "6415202" | "6427865" | "6502717" | "6510668" | "6805258" | "6874652" | "7100793" | "7100797" | "7104417" | "D195734" | "D451666" | "D460897" | "D473786" | "D502801").PN. OR ("7735684").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/02 16:16
S22	5723	ratchet with lug	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/07 17:53
S23	1436	206/538	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/07 17:53
S24	2	S22 and S23	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/07 17:53
S25	0	"66988157"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 15:50
S26	27	("20060225383" | "20080173666" | "3890221" | "4319690" | "4394916" | "4460106" | "5197616" | "5433329" | "5720013" | "6021918" | "6039208").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 16:05

S27	0	20090127157a1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 16:09
S28	2	"20090127157"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 16:09
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S30	1438	206/538	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 16:39
S31	1438	206/538	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 17:08
S32	303	221/87	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 18:04
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S37	61	("0630452" | "0932983" | "20060225383" | "2610100" | "2828005" | "3162287" | "3227127" | "3339798" | "3394796" | "3495567" | "3722739" | "3895737" | "3921806" | "3926335" | "4124143" | "4319690" | "4454971" | "4460106" | "4572376" | "4572403" | "4611727" | "4838453" | "4939705" | "5005281" | "5392952" | "5575392" | "5603429" | "5664697" | "5678712" | "6021918" | "6039208" | "6098835" | "6109252" | "6193103" | "6206216" | "6234343" |	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/16 18:50

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S38	174	221/91	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/16 18:51
S39	174	221/91	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:24
S40	1029	221/197	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:30
S41	154	221/288	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:49
S42	0	221/534	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:54
S43	0	221/538	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:54
S44	1438	206/538	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 11:54
S45	329	206/533	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/17 12:02

EAST Search History (Interference)

<This search history is empty>

12/ 18/ 2010 7:22:57 PM
H:\ large capacity pill bottle with improved child ressitance.wsp

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ROCHE MADISON INC.
465 SCIENCE DRIVE
SUITE C
MADISON WI 53711

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of :
Rozema, et al. :
Application No. 12/123,091 : DECISION
Filed: 19 May, 2008 : ON PETITION
Attorney Docket No.: 25794US8/25421 :
US7/Mirus.042.06

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 5 November, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application(s).

NOTE:

Petitioner is cautioned that there appear to be three (3) different docket numbers identified with this application—one in Office records (25794US8), a second that appears to have been submitted with the fee papers in this matter (Mirus.042.06), and a third on the petition (25421 US7). Petitioner will wish to resolve this matter at his earliest opportunity.

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 and after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in §1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was

unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Required item (1), above, is not present.

Petitioner submitted contemporaneously with the petition an amendment wherein Petitioner seeks to claim priority to Application No. 09/589,978, which misidentified the parent as Application No. 11/312,319. Perhaps Application No. 10/444,662 was intended to be identified as the parent of Application No. 09/589,978, but this is not indicated by the amendment. Also, the amendment incorrectly identifies the filing date of Application No. 10/444,662 as being May 23, 2005 rather than May 23, 2003.

Such is not a proper amendment.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 C.F.R. §1.78(a)(2)(i) and under 37 C.F.R. §1.78(a)(5)(i).

Accordingly, the petition under 37 CFR 1.78(a)(3) is **dismissed**.

This application is released to Technology Center/AU 1635 for further processing in due course.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr., attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

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Commissioner for Patents
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ROCHE MADISON INC.
465 SCIENCE DRIVE
SUITE C
MADISON WI 53711

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of :
Rozema, et al. :
Application No. 12/123,091 : DECISION
Filed: 20 December, 2005 : ON PETITION
Attorney Docket No.: 25794 US5 :

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 15 September, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application(s).

The petition is **GRANTED.**

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 and after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in §1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional 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 C.F.R. 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for

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

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

This application is being forwarded to the examiner of Technology Center/AU 1635 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§120 and 119 to the above-noted, prior-filed applications.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory 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
12/123,091	05/19/2008	1635	830	25421 US7	28	1

CONFIRMATION NO. 1147

CORRECTED FILING RECEIPT

83890
ROCHE MADISON INC.
465 Science Drive
Suite C
MADISON, WI 53711

OC00000046602161

Date Mailed: 03/16/2011

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)

David B. Rozema, Madison, WI;
Jon A. Wolff, Madison, WI;
James E. Hagstrom, Middleton, WI;
Kirk Ekena, Fitchburg, WI;

Power of Attorney: The patent practitioners associated with Customer Number 83890

Domestic Priority data as claimed by applicant

This application is a CIP of 11/840,468 08/17/2007
and claims benefit of 60/988,877 11/19/2007
and said 11/840,468 08/17/2007
claims benefit of 60/915,868 05/03/2007
and claims benefit of 60/822,833 08/18/2006
This application 12/123,091
is a CIP of 11/312,319 12/20/2005 PAT 7,442,764
which is a CIP of 10/444,662 05/23/2003 PAT 7,019,113
which is a CIP of 09/589,978 06/07/2000 PAT 6,630,351
and claims benefit of 60/383,298 05/24/2002
and said 09/589,978 06/07/2000
claims benefit of 60/137,859 06/07/1999
and claims benefit of 60/172,809 12/21/1999
and claims benefit of 60/167,836 11/29/1999
and said 11/312,319 12/20/2005
is a CIP of 11/046,590 01/28/2005 PAT 7,098,032
which is a CON of 10/095,680 03/11/2002 PAT 6,919,091

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

If Required, Foreign Filing License Granted: 06/02/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/123,091**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Reversibly Masked Polymers

Preliminary Class

530

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative,

this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON NJ 08543-5203

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of :
Stephen Forrest et al. :
Application No. 12/123,095 : DECISION ON PETITION
Filed: May 19, 2008 :
Attorney Docket No. Y3422-91703 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 12, 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 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $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 2818 for appropriate action by the Examiner in the normal course of business on the reply received July 15, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,151	05/19/2008	Graham Pearson	1009-060	1255

47654 7590 05/17/2011

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

EXAMINER	
SOTOMAYOR, JOHN B	
ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
05/17/2011	PAPER

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

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

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MAY 17 2011

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

In re Patent of Graham Pearson et al. : DECISION ON PETITION
PATENT NO. 7567202
SERIAL NO. 12/123,151
FILED: May 19, 2008
FOR: RADAR SYSTEM

This is a decision on the petition filed June 30, 2010 to correct inventorship under 37 CFR 1.324.

The petition is Granted.

The patented file is being forwarded to Certificates of Correction Branch for issuance of a certificate naming the actual inventors.

/Thomas H. Tarcza/

Thomas H. Tarcza
Supervisory Patent Examiner
Art Unit 3662
571-272-6979

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 22 2011

OFFICE OF PETITIONS

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
Robert John Olmsted et al.	:	
Application No. 12/123,159	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. 5569/92758 (08-13)	:	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 2, 2011.

The request is **NOT APPROVED.**

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Application was purchased by new Assignee, Lance Cornstock . . . " do not meet any the conditions set forth in 37 CFR 10.40.

Further, the request to change the correspondence address is not acceptable. An acceptable request would be the address of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Lance Cornstock
9160 East Bahia Drive
Scottsdale, AZ 85260

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Robert Daniel-Wayman et al.	:	
Application No. 12/123,159	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. 5569/92758-(08-13)	:	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 **NOT APPROVED.**

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Application was purchased by new Assignee, . . . " do not meet any the conditions set forth in 37 CFR 10.40.

Applicant may file a change of correspondence address form (PTO/SB/122), if desired, but as mentioned above, the reason given for withdrawal does not meet any of the the conditions of 37 CFR 10.40.

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

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,161	05/19/2008	Graham Pearson	1009-061	1268

47654 7590 05/17/2011

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

EXAMINER
ISSING, GREGORY C

ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
05/17/2011	PAPER

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

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

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MAY 17 2011

BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH MA 01581

In re Patent of Graham Pearson et al. : DECISION ON PETITION
PATENT NO. 7659849
SERIAL NO. 12/123,161
FILED: May 19, 2008
FOR: FREQUENCY SCANNING ANTENNA

This is a decision on the petition filed June 30, 2010 to correct inventorship under 37 CFR 1.324.

The petition is Granted.

The patented file is being forwarded to Certificates of Correction Branch for issuance of a certificate naming the actual inventors.

/Thomas H. Tarcza/

Thomas H. Tarcza
Supervisory Patent Examiner
Art Unit 3662
571-272-6979

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 24, 2011

TO SPE OF : ART UNIT 2188 SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/123,195 Patent No.: 7,904,641 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 insertion of the disclaimer notice be approved as requested by applicant? Also, the continuation data is being amended.

See COCIN dated 5-10-2011

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: It needs to be Approved in Part. Items 1 and 3 are approved. Item 2 needs to be denied entry, because there is no proper TD in this case to overcome the ODP rejection. And we have no way to gain jurisdiction over the patent.

_____ **SPE** /mano Padmanabhan/ **Art Unit** 2188

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OIW Nov-11

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of :
Bienvenu et al. :
Application No. 12/123,242 : DECISION ON PETITION
Filed: 05/19/2008 :
Attorney Docket No. 1456/20 :

This is a decision on the "PETITION TO DIRECTOR UNDER 37 C.F.R. § 1.182 TO CHANGE INVENTORSHIP WITHOUT SIGNATURE OF INVENTOR BEING DELETED," and the "REQUEST AND FEE TO DELETE ORIGINALLY NAMED INVENTORS AND ADD ORIGINAL UNNAMED INDIVIDUAL AS INVENTOR PURSUANT TO 37 C.F.R. § 1.48(a)," both filed on November 21, 2011, which are being treated as (1) a petition under 37 CFR 1.48(a) to amend the inventive entity by the addition of Robert E. Troxler as the named inventor and by the deletion of Michael Bienvenu and John Pjura as named inventors, and (2) a petition under 37 CFR 1.183 to waive 1.48(a)(2) in that a person sought to be deleted as an inventor (Pjura) has refused to sign the statement of lack of deceptive intent.

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.

On May 19, 2008, the application was filed. On July 10, 2008, a declaration pursuant to 37 CFR 1.63 was filed, naming Michael E. Bienvenu and John Pjura as joint inventors.

On November 21, 2011, the subject petition under 37 CFR 1.183 and request under 37 CFR 1.48(a) were filed. Petitioners seek to add Robert E. Troxler as the sole inventor and to delete Michael E. Bienvenu and John Pjura as joint inventors. Petitioners further assert that Pjura has refused to sign the statement of lack of deceptive intent. Petitioners have included a "DECLARATION OF GREGORY A. HUNT IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.182," stating that a letter and the statement of lack of deceptive

intent were sent to two addresses, one of which is believed to be the last known address of the non-signing inventor, but that no response was received. Petitioners have also provided United Parcel Service Delivery Notification emails, indicating that the packages were left at the addresses.

Additionally, petitioners have provided a declaration naming Robert E. Troxler as the joint inventor, and a statement of lack of deceptive intent from Michael E. Bienvenu. Consent of the assignee was also filed.

Request Under 37 CFR 1.48(a).

37 CFR 1.48(a) states:

> If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
>
> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
>
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
>
> (4) The processing fee set forth in § 1.17(i); and
>
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The petition of record does not comply with items (2) and (5).

With respect to item (2), petitioners must provide a statement from each person being deleted as an inventor that the error in

inventorship occurred without deceptive intention on his part. In view of the discussion *infra*, a decision on the request under 37 CFR 1.48(a) is held in abeyance pending submission of a grantable petition under 37 CFR 1.183.

With respect to item (5), the consent of the assignee is defective in the required Statement Under 37 CFR 3.73(b) has not been provided. The Statement Under 37 CFR 3.73(b) must show that the person signing the submission is a person authorized to act on behalf of the assignee by: (i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or (ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee. See 37 CFR 3.73(b)(2)(i) and (ii).

A properly-completed statement under 37 CFR 3.73(b) should be filed, documenting that the person signing the consent of assignee is authorized so to do. Petitioners may use the attached form in completing the Statement Under 37 CFR 3.73(b)

Petition Under 37 CFR 1.183 to waive 37 CFR 1.48

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed.

Petitioners must show that the inability to obtain the statement from the inventor is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond their control. Under the circumstances of this case, petitioners should proceed as noted in more detail *infra* to make their showing in support of their request for waiver.

At the outset, a single mailing of the statement of lack of deceptive intent to the last known address(es), without more, is insufficient to support a conclusion that the applicants' actions demonstrate a refusal to sign the statement of lack of deceptive intent. Furthermore, a brief Internet search suggests that Pjura may now reside at an address in Stanfield, NC 28163-7596.

Petitioner must provide evidence of additional attempts made by mail, telephone, email, or social media listings to contact the person sought to be deleted as an inventor and obtain his signature on the declaration. At a minimum, petitioners should

verify the last known address of the inventor by the use of the methods listed above. If a more recent address is discovered, petitioners should send or give a copy of the statement of lack of deceptive intent to the inventor at that address. Affidavits or declarations of facts by persons with first-hand knowledge of the details must be provided.

If the inventor refuses in writing to sign the statement of lack of deceptive intent, a copy of the written refusal must be supplied with any renewed petition. If the inventor refuses orally to sign the statement, a declaration or statement of facts by a person having first-hand knowledge of the refusal must be provided. If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached or has refused by conduct to sign the statement of lack of deceptive intent.

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

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

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

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

A reply may also be filed via the EFS-Web system of the USPTO.

Receipt of the required fees is acknowledged.

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

Encl: PTO/SB/96

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3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED

JAN 04 2012

OFFICE OF PETITIONS

In re Application of	:	
Robert E. Troxler	:	
Application No. 12/123,242	:	DECISION ON PETITION
Filed: 05/19/2008	:	
Attorney Docket No. 1456/20	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITIONS UNDER 37 C.F.R. § 1.182 AND 37 C.F.R. § 1.48(a)," filed on December 27, 2011, which are being treated as (1) a renewed request under 37 CFR 1.48(a) to amend the inventive entity by the addition of Robert E. Troxler as the named inventor and by the deletion of Michael Bienvenu and John Pjura as the named inventors, and (2) a renewed petition under 37 CFR 1.183 to waive 1.48(a)(2) in that a person sought to be deleted as an inventor (Pjura) has refused to sign the statement of lack of deceptive intent.

The petition is **GRANTED**.

On May 19, 2008, the application was filed. On July 10, 2008, a declaration pursuant to 37 CFR 1.63 was filed, naming Michael E. Bienvenu and John Pjura as joint inventors.

On November 21, 2011, the initial petition under 37 CFR 1.183 and request under 37 CFR 1.48(a) were filed. Petitioners sought to add Robert E. Troxler as the sole inventor and to delete Michael E. Bienvenu and John Pjura as the joint inventors. Petitioners

asserted that Pjura has refused to sign the statement of lack of deceptive intent. Petitioners included a "DECLARATION OF GREGORY A. HUNT IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.182," stating that a letter and the statement of lack of deceptive intent were sent to two addresses, one of which is believed to be the last known address of the non-signing inventor, but that no response was received. Petitioners also provided United Parcel Service Delivery Notification emails, indicating that the packages were left at the addresses. Additionally, petitioners provided a declaration naming Robert E. Troxler as the sole inventor, and a statement of lack of deceptive intent signed by named inventor Michael E. Bienvenu. Consent of the assignee was also filed.

On November 30, 2011, the petition was dismissed for lack of a showing that joint inventor Pjura had refused to sign the statement of lack of deceptive intent and because the consent of the assignee lacked the Statement Under 37 CFR 3.73(b).

On December 27, 2011, the subject renewed petition was filed, accompanied by a declaration by petitioner's registered patent practitioner, Gregory A. Hunt, reciting the attempts to contact Mr. Pjura and obtain his signature on the statement of lack of deceptive intent. Petitioners also pointed out that a properly executed Statement Under 37 CFR 3.73(b) signed by Robert E. Troxler was filed on June 22, 2010.

Request Under 37 CFR 1.48(a).

37 CFR 1.48(a) states:

> If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
>
> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
>
> (4) The processing fee set forth in § 1.17(i); and
>
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

A review of the papers filed on June 22, 2011, indicates that a proper statement under 37 CFR 3.73(b) signed by Robert E. Troxler has been received.

Lastly, petitioners provided on November 21, 2011, an oath or declaration by each actual inventor as required by 37 CFR 1.63.

Petition Under 37 CFR 1.183 to waive 37 CFR 1.48(a).

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed.

In this regard, petitioners have shown that attempts were made to contact named inventor John Pjura by mail, email, and social media and to ask him to sign the statement of lack of deceptive intent. Despite the efforts made, Mr. Pjura has failed to respond. As such, the showing is that he has refused by conduct to sign the statement of lack of deceptive intent.

In view of the efforts recounted in the petition to obtain the signature of John Pjura, it is agreed that justice would be served by waiving the requirement for his signature on the statement of lack of deceptive intent.

The inventorship of the application is changed by the deletion of Michael E. Bienvenu and John Pjura as joint inventors and by the addition of Robert E. Troxler, Raleigh, NC, as the sole inventor. A corrected Filing Receipt, reflecting the change of inventorship, is enclosed.

Receipt of the issue and publication fees paid on December 27, 2011 is acknowledged. The application is referred to the Office of Data Management for processing into a patent.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: 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
12/123,242	05/19/2008	2857	800	1456/20	13	1

CONFIRMATION NO. 1408

CORRECTED FILING RECEIPT

25297
JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM, NC 27707

OC000000051783834

Date Mailed: 01/04/2012

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)

Robert E. Troxler, Raleigh, NC;

Assignment For Published Patent Application

Troxler Electronic Laboratories, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 25297

Domestic Priority data as claimed by applicant

This application is a CON of 10/817,169 04/02/2004 PAT 7376530
which is a CIP of 10/269,843 10/11/2002 PAT 6915216

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

If Required, Foreign Filing License Granted: 06/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/123,242**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

PAVING-RELATED MEASURING DEVICE INCORPORATING A COMPUTER DEVICE AND COMMUNICATION ELEMENT THEREBETWEEN AND ASSOCIATED METHOD

Preliminary Class

702

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.

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.
12/123,325	05/19/2008	Lawrence K Pierce	1434-006R	1574

32905 7590 11/18/2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
ROBINSON, KEITH O NEAL	
ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/18/2010	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 1 8 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Lawrence K. Pierce
Serial No.: 12/123,325
Filed: May 19, 2008
Attorney Docket No.: **1434-006R**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 12, 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 April 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

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 KARL BUCHE
BUCHE & ASSOCIATES, P.C.
875 PROSPECT
SUITE 305
LA JOLLA CA 92037

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Jackson, Yamile	:	
Application No. 12/123,337	:	ON PETITION
Filed: May 19, 2008	:	
Attorney Docket No. Jackson Div	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 23, 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 Notice Requiring Excess Claims Fees (Notice), mailed September 17, 2009, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before October 17, 2009. A Notice of Abandonment was mailed June 29, 2010.

Petitioner states that a timely reply was submitted on September 29, 2010, which included a Transmittal Form, Fee Transmittal and payment of the $220.00 excess claims fee.

A review of the application file and the USPTO financial records confirm that the requisite excess claims fee was timely received on September 28, 2010.

In view of the above, the petition satisfies the above requirements of 37 CFR 1.181. Accordingly, the holding of abandonment for failure to timely file a reply to the Notice is hereby withdrawn and the application restored to pending status. The $270.00 petition fee filed concurrently will be refunded to petitioner's credit card in due course.

This matter is being referred to Technology Center AU 3673 for further examination on the merits.

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

September 16, 2011

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
Beerelli Seshi	:	**DECISION ON PETITION**
Application No. 12123377	:	
Filed: 5/19/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. USF.T170C3XD1	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 8, 2009.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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

MAILED

NOV 05 2010

OFFICE OF PETITIONS

Luce, Forward, Hamilton & Scripps, LLP
2050 Main Street, Suite 600
Irvine, CA 92614

In re Application of	:	
John Fulkerson et al.	:	
Application No. 12/123,390	:	DECISION ON PETITION
Filed: May 19, 2008	:	TO WITHDRAW
Attorney Docket No. 37953-11400	:	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 10, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Peter J. Gluck and all attorneys/agents of record has been revoked by the assignee of the patent application on September 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOWE GRAHAM JONES, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Thomas W. ALBRO et al. : ON PETITION
Application No. 12/123,433 :
Filed: May 19, 2008 :
Atty. Docket No.: PROS-1-1004

This is in response to the petition under 37 CFR 1.137(b), filed August 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due, mailed May 20, 2011 (Notice), which set a period for reply of three (3) months. The application became abandoned August 23, 2011. A Notice of Abandonment was mailed August 31, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed May 20, 2011, (2) the petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice 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 unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this

application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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

This application is being referred to Office of Data Management for processing of the filed reply.

/Rajneesh Krishnamurthy/

for Anthony Knight
Director
Office of Petitions

cc: Richard T. Black
1111 Third Avenue, Suite 3400
Seattle, Washington 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 12 2011

OFFICE OF PETITIONS

AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051

In re Application of :
Earl A. HUBBELL et. al : ON PETITION
Application No. 12/123,463 :
Filed: May 19, 2008 :
Atty. Docket No.: 3839.1

This is in response to the petition under 37 CFR 1.137(b), filed August 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 21, 2010 (outstanding Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provision of 37 CFR 1.136(a) was obtained. The application became abandoned March 22, 2011. A Notice of Abandonment was mailed August 18, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center Art Unit 1631 for further consideration of the filed Response.

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,590	05/20/2008	Rong-Yaw WU	TW-WPA-0763	1089

7590 01/13/2011

SINORICA, LLC
2275 Research Blvd.
Suite 500
ROCKVILLE, MD 20850

EXAMINER	
CRANSON JR, JAMES W	
ART UNIT	**PAPER NUMBER**
2875	
NOTIFICATION DATE	**DELIVERY MODE**
01/13/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 11, 2011

SINORICA, LLC
2275 Research Blvd.
Suite 500
ROCKVILLE MD 20850

In re Application of	:	
Wu, Rong-Yaw et al	:	**DECISION ON PETITION**
Application No. 12/123,590	:	
Filed: 05/20/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. TW-WPA-0763	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 20, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 17 2010

OFFICE OF PETITIONS

CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL MN 55120

In re Application of	:	
Bryan Martin et al	:	DECISION GRANTING STATUS
Application No. 12/123,594	:	UNDER 37 CFR 1.47(a)
Filed: May 20, 2008	:	
Attorney Docket No. CENT.300CIP	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 29, 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

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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

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
DE PEUTER, et al :
Application No. 12/123,779 : DECISION ON PETITION
Filed: May 20, 2008 : TO WITHDRAW
Attorney Docket No. 07-024-US (149-0204US) : 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 16, 2011.

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

A review of the file record indicates that the power of attorney to Coe F. Miles and the attorneys associated with Customer No. 29855, has been revoked by the assignee of the patent application on May 23, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/123,894	05/20/2008	Satoru Okamoto	0879-1031PUS1	1689

2292 7590 06/15/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
DOLLINGER, TONIA LYNN MEONSKE	

ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

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

In re Application of: OKAMOTO, SATORU
Application No. 12123894
Filed: May 20, 2008
For: IMAGE TAKING APPARATUS, IMAGE REPRODUCING APPARATUS, IMAGE TAKING METHOD AND PROGRAM

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

MAILED

JUN 14 2011

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 May 4, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

(2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.

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

(5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.

(6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

(7) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

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.

Chau Nguyen
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

MAILED

JAN 20 2011

OFFICE OF PETITIONS

MICHAEL A. O'NEIL. P.C.
8150 NORTH CENTRAL EXPRESSWAY
SUITE 1150
DALLAS, TX 75206

In re Application of	:	
Turner et al.	:	DECISION ON PETITION
Application No. 12/123,915	:	TO WITHDRAW
Filed: May 20, 2008	:	FROM RECORD
Attorney Docket No. 117700-1003	:	

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 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 Kelly J. Kubasta on behalf of all the practitioners of record associated with Customer Number 38406.

Customer Number 38406 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

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

The application is currently abandoned for failure to timely reply to the Non final Office action mailed June 30, 2010.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GARY TURNER
405 BEN PAYNE ROAD
ROCKWALL, TX 75087

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
12/123,915	05/20/2008	Gary D. Turner	117700-1003

CONFIRMATION NO. 1727

POWER OF ATTORNEY NOTICE

38406
Michael A. O'Neil. P.C.
8150 North Central Expressway
Suite 1150
DALLAS, TX 75206

OC000000045559513

Date Mailed: 01/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/28/2010.

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

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,723,664 :
Issue Date: May 25, 2010 :
Application No. 12/123,987 : ON PETITION
Filed: May 20, 2008 :
Attorney Docket No. 326574US2X :

This is a decision on the petition filed November 18, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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

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	12124052
Filing Date	20-May-2008
First Named Inventor	Scott Snodgrass
Art Unit	3652
Examiner Name	DONALD UNDERWOOD
Attorney Docket Number	FAS 04247 PTUS
Title	APPARATUS FOR MOVING AND SECURING A SUBSTRATE

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	/Mark D. Perdue/
Name	Mark D. Perdue
Registration Number	36890

UNITED STATES 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 3,2011

In re Application of :

Scott Snodgrass

Application No : 12124052

Filed : 20-May-2008

Attorney Docket No : FAS 04247 PTUS

DECISION ON PETITION

UNDER CFR 1.137(b)

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

MAILED
JAN 04 2011
OFFICE OF PETITIONS

In re Application of

Santoro, et al. :

Application No. 12/124,125

: DECISION ON PETITION

Filed: May 20, 2008

:

Attorney Docket No. SRF-001

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 23, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on May 24, 2010. A Notice of Abandonment was mailed September 24, 2010.

The amendment filed November 23, 2010, is noted.

The request for an extension of time within the third month is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $555.00 will be refunded in due course.

The application is being forwarded to Technology Center 2100, GAU 2173 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. Box 1450
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Dr. Michael Sasha John
Angel-Medical Systems
1163 Shrewsbury Avenue
Shrewsbury NJ 07702

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of
Michael Sasha John
Application No. 12/124,144
Filed: May 20, 2008

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 16, 2011. The Notice of Abandonment was mailed July 13, 2011.

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

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

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

This application is being referred to Technology Center AU 3694 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: **Michael Sasha John**
2 Washington Square, Apt. 6A
Larchmont, NY 10538

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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SEP 22 2010

OFFICE OF PETITIONS

In re Application of :
Mohan Rahapurkar, et al. :
Application No. 12/124,185 : DECISION GRANTING PETITION
Filed: May 21, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4634.1000-001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

Telephone inquiries 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 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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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530 VIRGINIA ROAD
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FEB 08 2011

OFFICE OF PETITIONS

In re Application of :
Mohan RAJAPURKAR et al :
Application No. 12/124,185 : DECISION ON PETITION
Filed: May 21, 2008 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 4634.1000-001 :

This is a decision on the petition under 37 CFR 1.55(c), filed September 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign India Application No. 455/MUM/2008, filed March 8, 2008.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

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

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

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

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This application is being referred to Technology Center AU 1777 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/124,185	05/21/2008	1777	1465	4634.1000-001	24	9

CONFIRMATION NO. 2236

CORRECTED FILING RECEIPT

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

OC00000004589854 6

Date Mailed: 02/08/2011

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

Applicant(s)

Mohan Rajapurkar, Nadiad, INDIA;
Suhas Lele, Baroda, INDIA;
Sudhir Shah, Arkansas, KS;

Power of Attorney: The patent practitioners associated with Customer Number 21005

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.)
INDIA 455/MUM/2008 03/08/2008

If Required, Foreign Filing License Granted: 05/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/124,185**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND KIT FOR EARLY DETECTION OF ACUTE CORONARY SYNDROME AND PREDICTION OF ADVERSE CARDIAC EVENTS

Preliminary Class

436

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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FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
Mohan RAJAPURKAR et al : CORRECTED
Application No. 12/124,185 : DECISION ON PETITION
Filed: May 21, 2008 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 4634.1000-001 :

This is a decision on the petition under 37 CFR 1.55(c), filed September 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign India Application No. 455/MUM/2008, filed **March 5, 2008**.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

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

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

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

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

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

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This application is being referred to Technology Center AU 1777 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/124,185	05/21/2008	1777	1465	4634.1000-001	24	9

CONFIRMATION NO. 2236

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

CORRECTED FILING RECEIPT

Date Mailed: 02/16/2011

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)

Mohan Rajapurkar, Nadiad, INDIA;
Suhas Lele, Baroda, INDIA;
Sudhir Shah, Arkansas, KS;

Power of Attorney: The patent practitioners associated with Customer Number 21005

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.)
INDIA 455/MUM/2008 03/05/2008

If Required, Foreign Filing License Granted: 05/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/124,185**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND KIT FOR EARLY DETECTION OF ACUTE CORONARY SYNDROME AND PREDICTION OF ADVERSE CARDIAC EVENTS

Preliminary Class

436

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-28-11

TO SPE OF : ART UNIT 2895

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/124360 Patent No.: 7951711

CofC mailroom date: 09-02-11

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

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: _____

approved
/N. Drew Richards/ 2895

SPE **Art Unit**

CERTIFICATE OF ELECTRONIC TRANSMISSION
I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 10 August 2010.
/Kathryn Marley/
Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventor: **Albert W. Wegener**	
Application No.: **12/124,382**	Group Art Unit: **2611**
Confirmation No. **2621**	Examiner: **unknown**
Filed: **21 May 2008**	**Customer No. 22470**
Title: **Compression of Baseband Signals in Base Transceiver Systems**	

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

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(a)

Sir:

In accordance with Notice, 75 Fed. Reg. 121 (June 24, 2010), regarding Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan, and 37 CFR §1.102(a), Applicant hereby petitions to make the above-identified application special on the basis of express abandonment of co-pending U.S. Patent Application No. 12/134,962, filed on June 6, 2008.

STATEMENT OF FACTS

The above-referenced application meets the requirements for special status as set forth below.

The actual filing dates for both of the above-identified application and the application to be abandoned are earlier than October 1, 2009. The above-identified application and the application to be abandoned have the same inventor and the same Assignee.

Applicant has filed a letter of express abandonment of co-pending U.S. Patent Application No. 12/134,962, with a statement that Applicant has not and will not file a new application that claims the same invention (in the context of 35 U.S.C. §101) claimed in the expressly abandoned application, and that Applicant agrees not to request a refund of any fees

paid in the expressly abandoned application. A copy of the letter of express abandonment and the accompanying statement are appended hereto.

Applicant and Assignee certify that neither has filed petitions in more than 14 other applications requesting special status under this program, and agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

CONCLUSION

Accordingly, Applicant petitions to make the above-identified application special on the basis of express abandonment of another co-pending application.

In accordance with 75 Fed. Reg. 121 (June 24, 2010), the petition fee is waived.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1012-1).

Respectfully submitted,

Dated: 10 August 2010

/Mark A. Haynes/

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax

CERTIFICATE OF ELECTRONIC TRANSMISSION
I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 10 August 2010.
/Kathryn Marley/
Kathryn Marley

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):
Albert W. Wegener

Application No. **12/134,962**

Confirmation No. **2761**

Filing Date: **06 June 2008**

Title: **Data Compression for a Waveform Data Analyzer**

Group Art Unit: **2863**
Examiner: **Tung S. Lau**

CUSTOMER NO. 22470

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

EXPRESS ABANDONMENT IN SUPPORT OF PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

Sir:

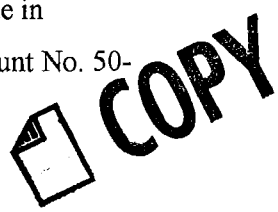
Applicant hereby expressly abandons the above-identified application, conditioned upon the grant of a petition to make special for co-pending U.S. Patent Application No. 12/124,382, which is being made in accordance with the Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan as reported in the Notice at 75 Fed. Reg. 121 (June 24, 2010).

COPY

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 12/124,382 is granted, will not file a new application that claims the same invention claimed in the above-identified application (in the context of 35 U.S.C. §101), and agrees not to request a refund of any fees paid in the above-identified application.

///

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1005-4).



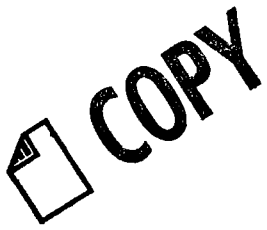
Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 10 August 2010

By: /Mark A. Haynes/
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263



CERTIFICATE OF ELECTRONIC TRANSMISSION
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/Kathryn Marley/
Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventor: **Albert W. Wegener**	Group Art Unit: **2611**
Application No.: **12/124,382**	Examiner: **not assigned**
Confirmation No. **2621**	
Filed: **21 May 2008**	**Customer No. 22470**
Title: **Compression of Baseband Signals in Base Transceiver Systems**	

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

RENEWED PETITION UNDER 37 CFR § 1.102(a)

Sir:

Further to the Decision mailed 27 August 2010, dismissing the petition filed on 10 August 2010, and in accordance with Notice, 75 Fed. Reg. 121 (June 24, 2010), regarding Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan, and 37 CFR §1.102(a), Applicant hereby renews the petition to make the above-identified application special on the basis of express abandonment of co-pending U.S. Patent Application No. 12/134,962, filed on June 6, 2008.

STATEMENT OF FACTS

The above-referenced application meets the requirements for special status as set forth below.

The actual filing dates for both of the above-identified application and the application to be abandoned are earlier than October 1, 2009. The above-identified application and the application to be abandoned have the same inventor and the same Assignee.

Applicant has filed a letter of express abandonment of co-pending U.S. Patent Application No. 12/134,962, with a statement that Applicant has not and will not file a new application that claims the same invention (in the context of 35 U.S.C. §101) claimed in the

expressly abandoned application, that 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 that Applicant agrees not to request a refund of any fees paid in the expressly abandoned application. A copy of the letter of express abandonment and the accompanying statement are appended hereto.

Applicant and Assignee certify that neither has filed petitions in more than 14 other applications requesting special status under this program, and agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

CONCLUSION

Accordingly, Applicant petitions to make the above-identified application special on the basis of express abandonment of another co-pending application.

In accordance with 75 Fed. Reg. 121 (June 24, 2010), the petition fee is waived.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1012-1).

Respectfully submitted,

Dated: 31 August 2010

/Mark A. Haynes/

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax

CERTIFICATE OF ELECTRONIC TRANSMISSION
I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 31 August 2010.
/Kathryn Marley/
Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):
Albert W. Wegener

Application No. **12/134,962**

Confirmation No. **2761**

Filing Date: **06 June 2008**

Title: **Data Compression for a Waveform Data Analyzer**

Group Art Unit: **2863**
Examiner: **Tung S. Lau**

CUSTOMER NO. 22470

COPY

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

EXPRESS ABANDONMENT IN SUPPORT OF PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

Sir:

Applicant hereby expressly abandons the above-identified application, conditioned upon the grant of a petition to make special for co-pending U.S. Patent Application No. 12/124,382, which is being made in accordance with the Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan as reported in the Notice at 75 Fed. Reg. 121 (June 24, 2010).

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 12/124,382 is granted, will not file a new application that claims the same invention claimed in the above-identified application (in the context of 35 U.S.C. §101).

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 12/124,382 is granted, will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United

States Code, and agrees not to request a refund of any fees paid in the above-identified application.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1005-4).

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 31 August 2010 By: /Mark A. Haynes/
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263

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P O BOX 366
HALF MOON BAY CA 94019

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
WEGENER :
Application No. 12/124,382 :
Filed: May 21, 2008 :
Attorney Docket No. **SMPL 1012-1** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed August 10, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 4b above.

More specifically, the letter of express abandonment filed in Application No. 12/134,962, does not include the required 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. As such, the present petition to make special must be dismissed.

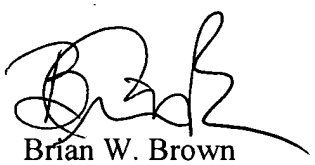
Further correspondence with respect to this matter should be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

During continued pre-examination processing, all other inquiries concerning this application should be directed to the Office of Patent Application Processing. Thereafter, all other inquiries should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Examination processing for continued pre-examination processing as a regular, non-special, status utility application.



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

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SEP 03 2010

OFFICE OF PETITIONS

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

In re Application of	:	
WEGENER	:	DECISION ON
Application No. 12/124,382	:	RENEWED PETITION
Filed: May 21, 2008	:	TO MAKE SPECIAL
Attorney Docket No. **SMPL 1005-4**	:	37 CFR 1.102

This is a decision on the renewed petition under 37 CFR 1.102, filed August 31, 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
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APR 12 2011

OFFICE OF PETITIONS

IFAY F. CHANG
3 LOUIS DRIVE
KATONAH NY 10536

In re Application of :
Ifay F. Chang :
Application No. 12/124,401 : DECISION ON PETITION
Filed: May 21, 2008
Attorney Docket No. ic-5212008 :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 11, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

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

Any papers filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
(2) A registered attorney or agent 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); 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.

In the instant petition for expedition due to age the petition was not signed by the applicant. Additionally, petitioner has failed to complete the petition form.

Further, petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for

payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

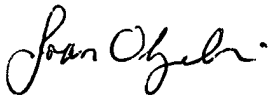
Further correspondence with respect to this matter should be addressed as follows:

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IFAY F. CHANG
3 LOUIS DRIVE
KATONAH NY 10536

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Ifay F. Chang :
Application No. 12/124,401 : ON PETITION
Filed: May 21, 2008
Attorney Docket No. ic-5212008 :
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed April 19, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant that applicant is 65 years of age and is also accompanied with a copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/124,425-Conf. #2691	Filing Date:	May 21, 2008
First Named Inventor:	Robert Kniaz		
Title of the Invention:	DETERMINING COMPLEMENTARY PRODUCT CONTENT FROM PRIMARY PRODUCT DOCUMENT INFORMATION		

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/US 2009/044882

The international date of the corresponding PCT application(s) is/are: May 21, 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 appliction(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.**

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO
(continued)

Application No.:	12/124,425-Conf. #2691
First Named Inventor:	Robert Kniaz

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 3, 2010

(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 3, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	US Application claim 1 includes all limitations of claims 1 and 2 in PCT application
3	3	US Application claim 3 includes all limitations of claims 1 and 3 in PCT application
4	4	US Application claim 4 includes all limitations of claims 1 and 4 in PCT application
5-7	5-7	Identical
18	19	US Application claim 18 includes all limitations of claims 18 and 19 in PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Davy E. Zoneraich/	Date	November 23, 2010
Name (Print/Typed)	Davy E. Zoneraich	Registration Number	37,267

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 23, 2010 Electronic Signature for Davy E. Zoneraich: /Davy E. Zoneraich/

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.
12/124,425	05/21/2008	Robert KNIAZ	Google 3.0-091	2691

78792 7590 01/24/2011

GOOGLE
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER	
NORMAN, SAMICA L	
ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 24 2011

GOOGLE
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

In re application of: Kniaz, Robert, et al.
Application No.: 12/124,425
Filed: May 21, 2008
For: DETERMINING COMPLEMENTARY PRODUCT CONTENT FROM PRIMARY PRODUCT DOCUMENT INFORMATION AND PROVIDING SUCH COMPLEMENTARY PRODUCT CONTENT IN ASSOCIATION WITH THE PRIMARY PRODUCT DOCUMENT, IN AN ONLINE ENVIRONMENT

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed November 23, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

> (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:
>
> (a) The U.S. application is a national stage entry of the corresponding PCT application.
>
> (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
>
> (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
>
> (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (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, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. 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.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the 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, or the claims in the U.S. application are narrower in scope than the 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.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, 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. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product

along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested 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.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

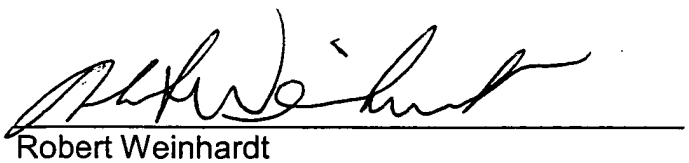
(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S. application has already begun. Note the U.S. Office action mailed December 17, 2010.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/1/23/11

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

RICHARD A. FAGIN
P.O. BOX 1247
RICHMOND TX 77406-1247

MAILED

APR 05 2012

OFFICE OF PETITIONS

In re Application of :
Alam et al. :
Application No. 12/124,439 : DECISION ON PETITION
Filed: May 1, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. PRG-07-01US :

This is a decision on the petition, filed March 14, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment. The petition will be treated under 37 CFR 1.78(a)(6).

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be

entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt mailed on Marach 8, 2012 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.

As noted above, a corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, was mailed on March 8, 2012. Therefore, another copy is not enclosed.

Any inquiries concerning this decision 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.

The application is being forwarded to Technology Center AU 2857 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 2, 2010

TO SPE OF : ART UNIT 2862 - SPE Clay E. LaBalle.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/124,505 Patent No.: 7,717,564 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Antonio Johnson

Should the change at Item (62)be approved? The applicant is claiming priority to Provisional Application No. 60/639,990. See COCIN dated 06-25-2010

_____
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.

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

Comments: This case is a divisional of 11/131,796 that claims benefit of 60/639,990.

SPE /Clayton E. LaBalle/ **Art Unit 2862**

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

PTO/SB/430 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 113005.011000	Application Number (if known): 12/124,515	Filing date: 05/21/2008

First Named Inventor: James W. McGinley

Title: CHARGER PLUG WITH IMPROVED PACKAGE

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature /David L. Newman/	Date May 17, 2011
Name (Print/Type) David L. Newman	Registration Number 37,196

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.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James W. McGinley, et al.	Examiner:	R. Muralidar
Serial No.:	12/124,515	Art Unit:	2858
Filed:	05/21/2008	Atty Doc.:	113005.011000
Title:	CHARGER PLUG WITH IMPROVED PACKAGE		

STATEMENT OF SPECIAL STATUS

Via EFS-Web

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

Applicant respectfully submits this Statement in connection with its Petition to Make Special Under the Green Technology Pilot Program (the "Program"). The present application meets the eligibility requirements of the Program because the claims are believed to be directed to a single invention that materially enhances the quality of the environment. In particular, the claims are directed to various embodiments of a charger plug including a DC connector having an aperture adapted for removably receiving a corresponding power cord plug end for transmitting DC power to the electronic device that significantly reduces the amount of charger plugs consumers must purchase and discard (filling landfill waste sites) as compared to conventional power devices. Because the present invention allows consumers to use the same charger plug claimed in this application with new and different rechargeable devices (e.g. cell phones), the consumer can "simply buy an inexpensive [replacement] cord 37 for connecting to the charger plug 10 for use with the device, and a person replacing a device need not also replace the charger." Specification, para. 0073, Publication No. 2009/0289596.

As a result, fewer charger plugs must be transported and dumped in landfill waste sites, which materially enhances the quality of the environment and Applicant's Petition to Make Special should be granted.

Respectfully Submitted,

Date: May 17, 2011

By: /David L. Newman/
David L. Newman
Registration No. 37,196
GREENBERG TRAURIG, LLP
77 West Wacker Drive, suite 3100
Chicago, Illinois 60601-1732
(312) 456-8400

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.
12/124,515	05/21/2008	James W. McGinley	113005.011000	2847

34018 7590 06/15/2011

GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO, IL 60601-1732

EXAMINER	
MURALIDAR, RICHARD V	

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

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

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

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

chiipmail@gtlaw.com
escobedot@gtlaw.com
jarosikg@gtlaw.com

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GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732

In re Application of	:	
MCGINLEY et al.	:	DECISION ON PETITION
Application No. 12/124,515	:	TO MAKE SPECIAL UNDER
Filed: May 21, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 113005.011000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications 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 items 4 and 8.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention enhances the quality of the environment. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could enhance the quality of the environment. Any argument that the claimed invention can be reused and thus reducing landfill requirements is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

In regard to item 8, the petition was not accompanied the publication fee as set forth in 37 CFR 1.18(d). The publication fee must be paid even if the application has already published.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DORSEY & WHITNEY LLP
on behalf of APPLE, INC.
370 SEVENTEENTH ST.
SUITE 4700
DENVER CO 80202-5647

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Peter H. Mahowald :
Application No. 12/124,588 : DECISION ON PETITION
Filed: May 21, 2008 :
Attorney Docket No. P5858US1 (190195/US) :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 17, 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 18, 2009. The Notice of Abandonment was mailed June 24, 2010.

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

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 July 13, 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)2991.

This application is being referred to Technology Center AU 2858 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 3/18/2011

TO SPE OF : ART UNIT 2441

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/124633 Patent No.: 7877515 B2

CofC mailroom date: 3/8/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Albert
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: After review, Examiner found that the scope of the claims was not changed and no new matter was introduced
/R. Z./

/Wing F. Chan/
SPE

2441
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
COLUMBIA CENTER
701 FIFTH AVENUE, SUITE 6100
SEATTLE WA 98104-7043

MAILED

DEC 08 2010

OFFICE OF PETITIONS

In re Application of :
Ayyapureddi et al :
Application No. 12/124,721 : DECISION GRANTING PETITION
Filed: May 21, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P215909,US.06 :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2827 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

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Date Mailed : 09/19/11

Patent No. : 7998989 B2
Patent Issued : 08/16/11
Docket No. : **LPP20080513US**

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.

In the title, it is the practice to exclude words such as "Improvements in", "A", "Novel", etc., from the printed patent. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

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

LEXYOUME IP GROUP, PLLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8-20-10 Paper No.: _____

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/124,740 Patent No.: 7748396

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

FOR IFW FILES: Please Review Drawings

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

Ennis Young
Certificates of Correction Branch
703-756-1542

Thank You For Your Assistance

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

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

Comments: _____

DAVID DUNN
SUPERVISORY PATENT EXAMINER
SPE

3636
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Panga et al.	:	
Application No. 12/124,910	:	DECISION ON PETITION
Filed: May 21, 2008	:	
Attorney Docket No. 56.1171	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 28, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 26, 2010. Accordingly, the application became abandoned on June 29, 2010.

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. 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.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence to the address currently of record until appropriate instructions are received.

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

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

Carl Friedman
Petitions Examiner
Office of Petitions

cc: DAVID G. MATTHEWS
14910 AIRLINE ROAD
ROSHARON, TX 77583

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/31/12

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/124937 Patent No.: 8066190

CofC mailroom date: 12/19/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

✓ **Approved** **All** changes apply.

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

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

Comments: _____

_____

_____

Michael Lee **2876**
SPE **Art Unit**

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DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES, CA 90067-6023

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Application of :
Yoichi Yamada, et al. :
Application No.: 12/124,939 : ON PETITION
Filed: May 21, 2008 :
Attorney Docket No.: 374628-000255 :

This is a decision on the petition, filed August 24, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

There is no indication that the petition is signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Troy M. Schmelzer 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.

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 9, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2852 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of
Larry J. Smith
Application No. 12/124,943
Filed: May 21, 2008
Attorney Docket No. 2273-P00586US07

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3), filed June 30, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 for the benefit of the prior-filed Application No. 07/748,997, filed August 23, 1991.

The petition is **DISMISSED**.

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

(1) the reference required by 35 U.S.C. §§ 120 and 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) the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

First, the amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c)

states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Further, the present application is claiming the benefit of nonprovisional Application No. 07/748,997, filed August 23, 1991, under U.S.C 120. However, the instant application was filed after the abandonment of the prior application. As such, copendency does not exist between these applications and the benefit claim to the prior-filed nonprovisional application is improper. Copendency between the instant application and the prior application is required. Unless applicant can establish that this application, or an intermediate nonprovisional application, was filed prior to the abandonment date of the nonprovisional application, the benefit claim will not be accepted.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, an amendment[1] in compliance with the above-mentioned rules, 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 Alicia Kelley at (571) 272-6509.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of
Larry J. Smith
Application No. 12/124,943
Filed: May 21, 2008
Attorney Docket No. 2273-P00586IS07

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR § 1.78(a)(3), filed October 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional Application No. 07/748,781, filed August 23, 1991, as 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 Commissioner may require additional where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(2)(ii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Petitioner should note that since the petition fee was previously submitted, the duplicate fee submitted on October 12, 2010 will be refunded to petitioner's deposit account as authorized.

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 filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §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 instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 1635 for appropriate action on the amendment submitted October 12, 2010, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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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
12/124,943	05/21/2008	1635	4510	2273-P00586US07	28	1

CONFIRMATION NO. 3598

CORRECTED FILING RECEIPT

110
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

OC000000044819104

Date Mailed: 12/06/2010

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)

Larry J. Smith, Omaha, NE;

Power of Attorney:
Kathleen Rigaut--43047

Domestic Priority data as claimed by applicant

This application is a DIV of 08/472,801 06/07/1995 PAT 7,517,644
which is a CIP of 08/426,781 04/22/1995 ABN
which is a CIP of 07/748,997 08/23/1991 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 09/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/124,943**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Methods and Compositions for Cellular Reprogramming

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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PATENT SERVICES
101 COLUMBIA ROAD
P.O BOX 2245
MORRISTOWN NJ 07962-2245

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JAN 12 2012

OFFICE OF PETITIONS

In re Patent No. 8,037,770
Issued: October 18, 2011
Application No. 12/124,995
Filed: May 21, 2008
Attorney Docket No. H0018619-5869

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

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b): REQUEST FOR REINSTATEMENT OF REDUCED TERM", filed December 8 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 747 days to 819 days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED.** The PTA at the time of the mailing of the notice of allowance is 819 days.

On June 6, 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 685 days. Additionally, on October 18, 2011, the above-identified application matured into U.S. Patent No. 8,037,770 with a revised patent term adjustment of 747 days. Applicants submit that the U.S. Patent and Trademark Office made an error in charging 72 days delay for the Information Disclosure Statement filed on June 29, 2011, after allowance, that a proper certification under 1.704(d) accompanied that paper and thus no delay should have been assessed.

Specifically, 37 CFR 1.704(c) provides, in pertinent part, 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:

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

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

(ii) Four months; ...

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

A review of the application history reveals that applicants are correct. The record supports a conclusion that an Information Disclosure Statement (IDS) was filed June 29, 2011 with a 37 § CFR 1.704(d) certification. Given the filing of the Information Disclosure Statement (IDS) on June 29, 2011, after the mailing of the Notice of Allowance, although with a proper 37 § CFR 1.704(d) certification, the reduction in the amount of 72 for applicant delay is being removed. As such, the patent term adjustment is 819 days.

The credit card provided has been charged in the amount of $200 for the petition fee as set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or

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

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred nineteen (819)** 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 : 8, 037,770 B2

DATED : October 18, 2011

INVENTOR(S) : Thomas A. Larson

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 (747) days

Delete the phrase "by 747 days" and insert – by 819 days--

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	12125046
Filing Date	21-May-2008
First Named Inventor	William DUNN
Art Unit	1746
Examiner Name	JOHN GOFF II
Attorney Docket Number	MAN2241-027
Title	FRAME SEAL METHODS FOR LCD

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	/Tyler Dunham/
Name	Tyler Dunham
Registration Number	60364

UNITED STATES 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 14, 2011

In re Application of :

William DUNN

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12125046

Filed : 21-May-2008

Attorney Docket No : MAN2241-027

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 14, 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 1746 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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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. 8,060,122
Issue Date: November 15, 2011
Application No. 12/125,047
Filed: May 21, 2008
Attorney Docket No. 1291.070.101

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

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IBM AUSTIN IPLAW (DG)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD, SUITE 1000-312
CYPRESS, TX 77433

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of :
Travis M. Grigsby et al :
Application No. 12/125,129 : DECISION ON PETITION
Filed: May 22, 2008 : TO WITHDRAW
Attorney Docket No. AUS920080065US1 : 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 March 28, 2011.

The request is **APPROVED**.

A review of the file record indicates that Anthony Edw. J Campbell: (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, Anthony Edw. J Campbell 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: Anthony Edw. J Campbell
P.O. Box 160370
Austin, TX 78716-0370

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HICKMAN PALERMO TRUONG & BECKER /
Digital Optics
One Almaden Boulevard
12th Floor
SAN JOSE CA 95113

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Patent No. 7,999,851 :
Issue Date: August 16, 2011 :
Application No. 12/125,132 : DECISION ON PETITION
Filed: May 22, 2008 :
Attorney Docket No. 60166-0040 :

This is a decision on the Request Pursuant To 37 CFR 3.81(b) and Request Pursuant To 37 C.F.R. 1.323, filed October 7, 2011, to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, 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:

"Tessera Technologies Ltd."

to:

--Tessera International, Inc.--

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

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

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) previously submitted.

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

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,999,851.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Hickman Palermo Truong & Becker, LLP
2055 Gateway Place, Suite 550
San Jose, California 95110-1089

UNITED STATES PATENT AND TRADEMARK OFFICE

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IDEPA INC.
ATTN: JOHANNES SCHNEEBERGER
P.O. BOX 358
BRISBANE, CA 94005

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of :
LARKIN, Kevin B. :
Application No. 12/125,145 : DECISION ON PETITION
Filed: May 22, 2008 : TO WITHDRAW
Attorney Docket No. **059239-01-5010-US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **IDEPA INC.** has been revoked by the applicant of the patent application on February 14, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **MORGAN, LEWIS & BOCKIUS, LLP. (PA)**
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

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JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

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FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Kaprielian et al. :
Application No. 12/125,279 :
Filed: May 22, 2008 :
Attorney Docket No. 1539A-002 :

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 24, 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) filed in the instant application, the request cannot be approved. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Non final Office action mailed February 1, 2011, which requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/125,292	05/22/2008	Muneyuki OGAWA	08307/LH	4272

1933 7590 12/14/2010

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

EXAMINER	
DORVIL, RICHEMOND	

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

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

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

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

In re Application of	:	
OGAWA, MUNEYUKI	:	DECISION ON REQUEST TO
Application No. 12/125,292	:	PARTICIPATE IN PATENT
Filed: May 22, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **08307/LH**	:	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 October 21, 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; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications;

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719

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OCT 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael J. SULLIVAN et al.	:	
Application No. 12/125,320	:	DECISION ON PETITION
Filed: May 22, 2008	:	
Attorney Docket No. B08-29	:	

This is a decision on the petition, filed June 02, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 26, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 26, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 27, 2010.

Petitioner asserts that the Notice dated January 26, 2010 was not received.

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

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

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

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

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

This application is being referred to the Technology Center AU 3711 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of January 26, 2010. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

/Thurman K. Page/

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/125,336	05/22/2008	Yong Kap KIM	086121-0026	4347

7590 09/28/2011

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

EXAMINER
HERRMANN, JOSEPH S

ART UNIT	PAPER NUMBER
3746	

NOTIFICATION DATE	DELIVERY MODE
09/28/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Patent Publication Branch
Office of Data Management

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 12 2012
OFFICE OF PETITIONS

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of :
Peterfreund :
Application No. 12/125,359 :
Filed: May 22, 2008 :
Attorney Dkt. No. 091582-0103 :
For: CENTRALIZED STREAMING GAME SERVER :

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 February 15, 2012. Applicant requests that the determination of patent term adjustment be corrected from five hundred seventy (570) days to nine hundred forty-three (943) days. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

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

---

[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

Charlema Grant
Attorney Advisor
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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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No.: 12/125398	:	DECISION ON
Filing or 371(c) Date: 05/22/2008	:	PETITION
Attorney Docket Number: 0241-P04528US0	:	

This is a decision in response to the "Request to Withdraw Holding of Abandonment," filed October 17, 2011. The request is properly treated as a petition under 37 CFR 1.181(a).

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 2, 2011. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 3, 2011. A Notice of Abandonment was mailed September 14, 2011.

Applicant files the present petition and asserts that a timely reply to the Office action, including a request and fee for a three (3) month extension of time, was filed in accordance with 37 CFR 1.8 on September 2, 2011. In support of this assertion, Applicant provides a copy of the reply. A review of the reply reveals that it includes includes a Certificate of Mailing Under 37 CFR 1.8, dated August 28, 2009. The Certificate of Mailing is executed by Petitioner herein (37 CFR 1.8(b)(3)).

A review of the file record reveals that the Office received the reply on September 19, 2011. A review of the reply received on September 19, 2011, reveals that the reply includes a certificate of mailing in compliance with 37 CFR 1.8(b), executed by petitioner herein.

Applicant has complied with the requirements of 37 CFR 1.8(b).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3654 for processing of the reply in the normal course of business.

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

/Derek L. Woods/

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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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 :
Joseph W. Noonchester :
Application No. 12/125,401 : DECISION ON PETITION
Filed: may 22, 2008 : TO WITHDRAW
Attorney Docket No. **5035-2-CIP** : 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** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 62772 has been revoked by the applicant of the patent application on March 30, 2011. Therefore, practitioners no longer have power in the above-identified application. 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: HANSRA PATENT SERVICES
4525 GLEN MEADOWS PLACE
BELLINGHAM WA 98226

UNITED STATES PATENT AND TRADEMARK OFFICE

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SW Patent Office
C/O PAT. OFFICE, BANGSHIA
102 Lindencrest
Sugar Land TX 77479

MAILED
APR 02 2012
OFFICE OF PETITIONS

In re Application of :
He et al. :
Application No. 12/125,430 : DECISION ON PETITION
Filed: 05/22/2008 :
Attorney Docket No. SW-971516 (S-134) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed June 18, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 19, 2010. A Notice of Abandonment was mailed on December 28, 2010.

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

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner on the reply received on January 24, 2012.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110411

DATE : April 11, 2011

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,688,705

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:

Patentee requests, in the Front Page, Section (63), after "now Pat. No. 7,400,571", to insert --which is continuation of application No. 11/379,013, filed on April 17, 2006, now Pat. No 7,230,907--. However, the cited Section makes no mention of "now Pat. No. 7,400,571".

SPE: /Craig A. Renner/ **Art Unit** 2627

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. : **7688705**
Ser. No. : **12/125455**
Inventor(s) : **SHOJI, MAMORU**
Issued : **03/30/2010**
Title : **INFORMATION RECORDING MEDIUM, RECORDING APPARATUS, REPRODUCTION APPARATUS, RECORDING METHOD, AND REPRODUCTION METHOD**
Docket No. : **OKUDP0183USH**

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 63, see the attached SPE Response form.

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

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

MARK D. SARALINO
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

OL

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111004-B

DATE : October 04, 2011

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7,990,457

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 request for inserstion of the related U.S. application continuation data and foreign application priority data is approved. All changes apply.

/LIN YE/
Supervisory Patent Examiner.Art Unit 2622

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105 94105-2482

MAILED

MAY 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Li Liu, et al.	:	
Application No. 12/125,466	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. 577052000200	:	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 5, 2011.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 19, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONNOLLY BOVE LODGE & HUTZ, LLP**
P O BOX 2207
WILMINGTON, DE 19899

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOKIA CORPORATION AND ALSTON & BIRD LLP
C/O ALSTON & BIRD LLP
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET
SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

APR 02 2012

OFFICE OF PETITIONS

In re Application of :
Hsiang-Lan Lung :
Application No. 12/125,470 : ON PETITION
Filed: April 27, 2009 :
Attorney Docket No. MXIC 1886-1 :

This is in response to petition to revive under 37 CFR 1.137(b), filed March 12, 2012.

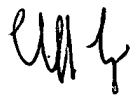
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed July 25, 2011, which set a shortened statutory period for reply of three months. Applicants filed an Amendment on January 25, 2012, made timely by obtaining a three month extension of time. However, the Amendment did not place the application in condition for allowance, and therefore the application became abandoned by operation of law on January 26, 2012. The Office mailed an Advisory Action on February 6, 2012. Applicants filed an RCE on March 5, 2012, which was not entered because the application was abandoned. The Office mailed a courtesy Notice of Abandonment on March 7, 2012.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of an RCE was previously filed on March 5, 2012.

The application is being forwarded to Group Art Unit 2617 for consideration of the RCE, filed March 5, 2012.

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



Cliff Congo
Petitions Attorney
Office of Petitions

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MAR 16 2011

OFFICE OF PETITIONS

IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

In re Application of :
Gloekler et al. :
Application No. 12/125,476 : DECISION ON PETITION
Filed: May 22, 2008 :
Attorney Dkt. No.: DE920070024US1 :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on February 8, 2011.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit a reply to the non-final Office action mailed on June 3, 2010. The Notice set an extendable three-month reply period of September 3, 2010. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on September 4, 2010. A Notice of Abandonment was mailed on January 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and certified copy of foreign priority (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on February 8. 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account 09-0456.

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

This application is being referred to Technology Center AU 2117 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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LAW OFFICE OF BRUCE D. RUBENSTEIN
405 WALTHAM STREET
#404
LEXINGTON MA 02421-7934

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of	:	
SIEGELMANN, et al	:	
Application No. 12/125,518	:	DECISION ON PETITION
Filed: May 22, 2008	:	TO WITHDRAW
Attorney Docket No. SGL-1-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 37 CFR 10.40(c).

The request was signed by Bruce D. Rubenstein on behalf of the attorneys of record associated with Customer No. 61951.

The attorneys of record associated with Customer No. 61951 have been withdrawn.

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

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

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

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

cc: HAVA T. SIEGELMANN
29 HICKORY LANE
AMHERST, MA 01005

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
12/125,518	05/22/2008	Hava Siegelmann	SGL-1-US

CONFIRMATION NO. 4669

61951
LAW OFFICE OF BRUCE D. RUBENSTEIN
405 WALTHAM STREET
404
LEXINGTON, MA 02421-7934

POWER OF ATTORNEY NOTICE

OC000000046565784

Date Mailed: 03/15/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/28/2011.

- 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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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO IL 60606

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of :
Wu :
Application No. 12/125,631 : DECISION ON PETITION
Filed: May 22, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. P2876US :

This is a decision on the petition, filed December 1, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is GRANTED.

Petitioner states that the instant non-provisional application is the subject of an application filed in an eighteen-month publication country on May 20, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the

date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 17, 2011 accompanies this decision on petition.

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

This application is being forwarded to the Office of Data Management for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/125,631	05/22/2008	Teh Ming WU	P2876US

CONFIRMATION NO. 4883

8968
DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

NONPUBLICATION RESCISSION LETTER

OC000000044898182

Date Mailed: 12/10/2010

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

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

The projected publication date is 03/17/2011.

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".

/ambrown/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MINNEAPOLIS MN 55440-1022

MAILED
APR 06 2012
OFFICE OF PETITIONS

In re Patent No. 8,091,988 : DECISION ON
Marlene McDonald : REQUEST FOR RECONSIDERATION
Application No. 12/125,648 : of PATENT TERM ADJUSTMENT
Issue Date: January 10, 2012 : and NOTICE OF INTENT TO ISSUE
Filed: May 22, 2008 : CERTIFICATE OF CORRECTION
Attorney Docket No.09991-0259001 / ID 717:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed March 12, 2012, requesting that the patent term adjustment indicated on the above-identified patent be corrected from two hundred seventeen (217) days to three hundred seventy-three (373) days.

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

On January 10, 2012 the instant application matured into U.S. Patent No. 8,091,988 with a patent term adjustment of two hundred seventeen (217) days. The Office determined a patent term adjustment of 217 days based upon 336 days of "A" delay and 0 days of "B" delay, reduced by 119 days of Applicant delay.

Petitioner argues that even though he filed an RCE on April 25, 2011, he should be awarded 37 CFR 1.703(b) "over three year" delay from the time the Office mailed a Notice of Allowance on August 11, 2011 until the issue date of the patent. In other words, Petitioner argue that no continued examination took place during this time period, and the Office should be accorded 153 additional days of delay pursuant to 37 CFR 1.703(b). Petitioner's argument has been considered, but is not persuasive.

RELEVANT STATUTE AND REGULATIONS

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

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

> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
>
> (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
>
> (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

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

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

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

OPINION

Petitioner's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 37 CFR 1.702(b)(1) as 0 days based on the application having been filed on May 22, 2008, and a request for continued examination under 132(b)

having been filed on April 25, 2011. In other words, the 153 day period beginning on the date of mailing of the Notice of Allowance on August 11, 2011 to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay".

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)[1]. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

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

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

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

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

(2) Abandonment of the application; or

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

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

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

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

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

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

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

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

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

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

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at

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

the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

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

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

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

withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures[3] permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

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

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

In this instance, a request for continued examination was filed on April 25, 2011, and the patent issued by virtue of that request on January 10, 2012. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on April 25, 2011 and ending on January 10, 2012 is not included in calculating Office delay.

In addition, petitioner also states that he was assessed Applicant delay of 3 days for filing the issue fee in response to the August 11, 2011 Notice of Allowance on November 14, 2011, but that he should have instead been assessed Applicant delay of 0 days because the due date (November 11, 2011) fell on a federal holiday, and the next two days fell on a weekend. Petitioner's argument has been considered, and found to be persuasive.

CONCLUSION

In view thereof, the correct number of days of patent term adjustment is **two hundred twenty (220) days** (336 days of "A" delay, reduced by 116 (91 + 25) days of Applicant delay).

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

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 twenty (220) days.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,091,988 B2

DATED : **January 10, 2012**

INVENTOR(S) : McDonald

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 217 days.

Delete the phrase "by 217 days" and insert – by 220 days--

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DERGOSITS & NOAH LLP
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MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of :
Gregory John LUZAICH, et al :
Application No. 12/125,680 : DECISION ON PETITION
Filed: May 22, 2008 : TO WITHDRAW
Attorney Docket No. 693.20 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 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 requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael E. Dergosits on behalf of the attorneys of record with the registration numbers indicated.

All the attorneys of record have been withdrawn.

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

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

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

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

cc: GREGORY LUZAICH
600 AMERICAN WAY
WINDSOR CA 95492

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
12/125,680	05/22/2008	Gregory John Luzaich	693.20

CONFIRMATION NO. 4963

DERGOSITS & NOAH LLP
Suite 1450
Four Embarcadero Center
San Francisco, CA 94111

POWER OF ATTORNEY NOTICE

OC000000044296011

Date Mailed: 11/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2010.

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

/dcgoodwyn/

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

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OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Gregory John LUZAICH, et al :
Application No. 12/125,688 : DECISION ON PETITION
Filed: May 22, 2008 : TO WITHDRAW
Attorney Docket No. 693.21 : FROM RECORD
:

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

The request is **APPROVED**.

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

The request was signed by Michael E. Dergosits on behalf of the attorneys of record with the registration numbers indicated.

All the attorneys of record have been withdrawn.

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

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

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

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

cc: GREGORY LUZAICH
600 AMERICAN WAY
WINDSOR CA 95492

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
12/125,688	05/22/2008	Gregory John Luzaich	693.21

CONFIRMATION NO. 4980

DERGOSITS & NOAH LLP
Suite 1450
Four Embarcadero Center
San Francisco, CA 94111

POWER OF ATTORNEY NOTICE

OC000000044130994

Date Mailed: 10/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2010.

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

/dcgoodwyn/

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

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OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Gregory John LUZAICH, et al :
Application No. 12/125,697 : DECISION ON PETITION
Filed: May 22, 2008 : TO WITHDRAW
Attorney Docket No. 693.22 : FROM RECORD
:

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

The request is **APPROVED**.

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

The request was signed by Michael E. Dergosits on behalf of the attorneys of record with the registration numbers indicated.

All the attorneys of record have been withdrawn.

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

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

cc: GREGORY LUZAICH
600 AMERICAN WAY
WINDSOR CA 95492

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
12/125,697	05/22/2008	Gregory John Luzaich	693.22

CONFIRMATION NO. 5001

DERGOSITS & NOAH LLP
Suite 1450
Four Embarcadero Center
San Francisco, CA 94111

POWER OF ATTORNEY NOTICE

OC000000044130374

Date Mailed: 10/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2010.

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

/dcgoodwyn/

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

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
SUGAR LAND TX 77479-5201

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of :
He, et al. :
Application No. 12/125,720 : ON PETITION
Filed: May 22, 2008 :
Attorney Docket No. SW-971517/S-135-bil-8-17 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 8, 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 August 11, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on November 19, 2010. The Office mailed a Notice of Abandonment on March 8, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1762 for consideration of the Amendment, filed May 8, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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 of	:	
Wolfgand Buhr	:	ON REQUEST FOR
Application No. 12/125737	:	RECONSIDERATION OF
Filing or 371(c) Date: 05/22/2008	:	PATENT TERM ADJUSTMENT
Attorney Docket Number: 088245-1853	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)," filed February 1, 2012. Applicants' request recalculation of the patent term adjustment calculation to 835 days, not 469 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction based upon (1) an assertion that the Office erred in calculating a reduction of seven (7) days, and (2) an assertion that the Office erred in failing to calculate an adjustment of 359 days pursuant to 37 CFR 1.702(b)(1) and 1.703(b)(1).

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in calculating a reduction of seven (7) days is **DISMISSED**. The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the Office's failure to issue the patent within 3 years of the filing date pursuant to 37 CFR 1.703(b), is **DISMISSED as PREMATURE**.

On November 4, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 469 days.

On February 1, 2012, applicants timely submitted the instant application for patent term adjustment[1]. Applicants request that the Determination of Patent Term Adjustment be corrected from 469 days, as indicated on the Determination of PTA mailed November 4, 2011, to an adjustment of 835 days.

Applicants aver that the Office erred in calculating an adjustment of seven (7) days in connection with the filing of a Terminal Disclaimer seven (7) days after the filing of a reply to a final Office

[1] PALM records show that the payment of the Issue Fee was filed on February 1, 2012.

action. Applicants aver that since the TD was filed within three (3) months of the mailing date of the final Office action, the reduction is in error.

Applicants also assert that the Office erred in failing to calculate an adjustment of 359 days pursuant to 35 U.S.C. § 154(b)(1)(B), in connection with the failure of the Office to issue a patent within three years after the date on which the application was filed.

Applicants' arguments have been carefully considered.

Regarding the reduction of seven (7) days attributed to Applicants in connection with the filing of a Terminal Disclaimer ("TD") seven (7) days after the filing of a reply to a final Office action, Applicants argue that since the TD was filed within three (3) months of the mailing date of the final Office action, the reduction is in error.

The applicable Rule, 37 CFR 1.704(c) provides, in pertinent part:

> 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.

Here, there is no evidence that the TD as expressly requested by the Examiner. Thus, the reduction of seven (7) days under 37 CFR 1.704(c)(8), commenced October 25, 2011, the day after the date that the amendment filed in reply to the final Office action was filed, and ending on the date that the TD was filed.

Regarding Applicants' assertion that the Office erred in failing to calculate an adjustment of 359 days pursuant to 35 U.S.C. § 154(b)(1)(B), in connection with the failure of the Office to issue a patent within three years after the date on which the application was filed, 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[2].

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, including any request as it relates to the Office's failure to issue the patent within 3 years of the filing date, must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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[2] 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WELL ST. JOHN PS
601 W. 1ST STREET, #1300
SPOKANE, WA 99201

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of
Chandra Mouli
Application No. 12/125,756
Filed: May 22, 2008
Attorney Docket No. MI22-3730

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2895 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.

/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

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

WELLS ST. JOHN P.S.
601 WEST FIRST AVENUE
SUITE 1300
SPOKANE, WA 99201-3828

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of :
Chandra Mouli :
Application No. 12/125,797 : ON PETITION
Filed: May 22, 2008 :
Attorney Docket No: MI22-3729 :

This is a decision on the petition, filed November 22, 2011, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed August 17, 2011. On November 22, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on November 29, 2011.

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

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

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

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of :
Wenham, et al. : ON PETITION
Application No.: 12/125,817 :
Filed: May 22, 2008 :
Attorney Docket No.: 293005-2001 :
For: LOW AREA SCREEN PRINTED METAL :
CONTACT STRUCTURE AND METHOD :

A decision refusing status under 37 CFR 1.47(a) was mailed on November 19, 2008. On January 21, 2009, applicants filed a renewed petition. Papers filed on August 30, 2010 included a declaration signed by the previously non-signing inventor, Stuart Ross Wenham, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, the petition under 37 CFR 1.47(a) is **dismissed as moot**; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to Technology Center 1725 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIAN I. MARCUS
1525 BEACH STREET
SAN FRANCISCO CA 94123

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of
Brian I. Marcus
Application No. 12/125,828
Filed: March 22, 2008
Attorney Docket No: **TNCH-01050US1**

ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed October 26, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned January 27, 2011. Accordingly, a Notice of Abandonment was mailed May 12, 2011, on even date with the filing of the instant petition.

This matter is being referred to Technology Center 2862 for appropriate action on the amendment filed May 12, 2011.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/125,859	Filing date:	May 22, 2008
First Named Inventor:	David T. Linker		
Title of the Invention:	LONG-TERM MONITORING FOR DISCRIMINATION OF DIFFERENT HEART RHYTHMS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/044957

The international filing date of the corresponding PCT application(s) is/are:
May 22, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/125,859
First Named Inventor:	David T. Linker

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 April 15, 2010

(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 April 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1-20	Claims 1-20	Claims 1-20 in the U.S. Patent Application are the same as Claims 1-20 in the PCT Application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Ryan E. Dodge, Jr./	Date February 25, 2011
Name (Print/Typed) Ryan E. Dodge, Jr.	Registration Number 42,492

PATENT COOPERATION TREAT

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

DODGE, Ryan, E.
Christensen O'connor Johnson Kindness PLLC
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)*	
02 December 2010 (02.12.2010)	
Applicant's or agent's file reference	**IMPORTANT NOTICE**
UWSCV133325	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/044957	22 May 2009 (22.05.2009)	22 May 2008 (22.05.2008)

Applicant
UNIVERSITY OF WASHINGTON et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

e-mail: pt08.pct@wipo.int

BCL

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

TK

Applicant's or agent's file reference UWSCV133325	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/044957	International filing date *(day/month/year)* 22 May 2009 (22.05.2009)	Priority date *(day/month/year)* 22 May 2008 (22.05.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant UNIVERSITY OF WASHINGTON		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 23 November 2010 (23.11.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
DODGE RYAN E., JR.

CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE, SUITE 2800 SEATTLE WA 98101
USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**20 JANUARY 2010 (20.01.2010)**
Applicant's or agent's file reference UWSCV133325	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/044957	**22 MAY 2009 (22.05.2009)**	22 MAY 2008 (22.05.2008)

International Patent Classification (IPC) or both national classification and IPC

A61B 5/02(2006.01)i, A61B 5/0472(2006.01)i

Applicant

UNIVERSITY OF WASHINGTON et al

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

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	20 JANUARY 2010 (20.01.2010)	KIM, KEON HYEONG Telephone No.82-42-481-8509

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/044957

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/US2009/044957

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	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US 2002-0143259 A1 (STERGIOS STERGIOPOULOS et al.) 03 October 2002
D2: US 2006-0167361 A1 (TOMMY D. BENNETT et al.) 27 July 2006

D1 is related to a method and a device for measuring systolic and diastolic blood pressure and heart rate in an environment.

D2 is related to a system and method for sensing cardiac electrogram (EGM) signals and ventricular pressure signals, and for using the sensed EGM and sensed pressure signals for estimating stroke volume (SV). A measure of cardiac output can be computed from the estimated SV and a heart rate determined from the EGM signals.

1. Novelty and Inventive Step

The subject matter of claim 1 differs from these prior art documents in that the method comprises a step of calculating a test result from a linear combination of the mean instantaneous heart rate and the non-linear average value representing the deviation from the mean instantaneous heart rate in the analysis segment.

The subject matter of claim 11 differs from these prior art documents in that the method comprises a step of calculating a test result from a linear combination of the mean instantaneous heart rate and the non-linear average value representing the deviation from the mean instantaneous heart rate in the analysis segment.

And these differences are not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 11 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 are directly or indirectly dependant on claim 1 and therefore meets the requirements of PCT Article 33(2) and (3).

Claims 12-20 are directly or indirectly dependant on claim 11 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-20 are industrially applicable under PCT Article 33(4).

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
17 December 2009 (17.12.2009)

PCT

(10) International Publication Number
WO 2009/151923 A3

(51) International Patent Classification:
A61B 5/02 (2006.01) *A61B 5/0472* (2006.01)

(21) International Application Number:
PCT/US2009/044957

(22) International Filing Date:
22 May 2009 (22.05.2009)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
12/125,859 22 May 2008 (22.05.2008) US

(63) Related by continuation (CON) or continuation-in-part (CIP) to earlier application:
US 12/125,859 (CON)
Filed on 22 May 2008 (22.05.2008)

(71) Applicant *(for all designated States except US)*: **UNIVERSITY OF WASHINGTON** [US/US]; 4311 11th Avenue Northeast, Suite 500, Campus Box 354990, Seattle, WA 98105-4608 (US).

(72) Inventor; and

(75) Inventor/Applicant *(for US only)*: **LINKER, David, Thor** [US/US]; 3857 50th Avenue Northeast, Seattle, WA 98105 (US).

(74) Agent: **DODGE, Ryan, E.**; Christensen O'connor Johnson Kindness PLLC, 1420 Fifth Avenue, Suite 2800, Seattle, WA 98101 (US).

(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,

[Continued on next page]

(54) Title: LONG-TERM MONITORING FOR DISCRIMINATION OF DIFFERENT HEART RHYTHMS

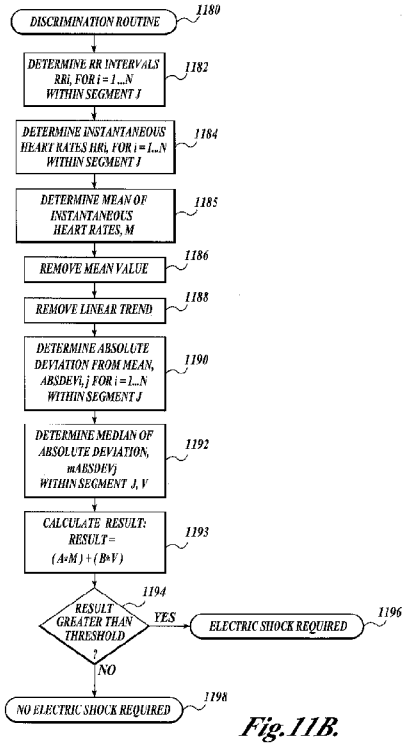

Fig. 11B.

(57) Abstract: A method and a system for detection of an arrhythmia and discrimination between different types of arrhythmia to determine whether to administer an electric shock to the heart, the method comprising monitoring the electrical activity of a beating heart, selecting a number of heart beat intervals that will comprise an analysis segment; determining an instantaneous heart rate for each of the heart beat intervals with the segment; calculating the mean instantaneous heart rate for the segment; determining the variability of the instantaneous heart rates compared to a mean; using a linear combination of the mean and the non-linear value for comparison with a predetermined threshold to discriminate the type of arrhythmia to automatically decide if intervention is indicated.

WO 2009/151923 A3

ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— *with international search report (Art. 21(3))*

— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))*

(88) Date of publication of the international search report:
11 March 2010

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/044957

A. CLASSIFICATION OF SUBJECT MATTER

A61B 5/02(2006.01)i, A61B 5/0472(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61B 5/02; A61B 5/0295; A61B 5/04

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models
Japanese utility models and applications for utility models
(Chinese Patents and application for patent)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: arrhythmia, discrimination, heart rate

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2002-0143259 A1 (STERGIOS STERGIOPOULOS et al.) 03 October 2002 See figures 1a, 2, and claims 1, 16.	1-20
A	US 2006-0167361 A1 (TOMMY D. BENNETT et al.) 27 July 2006 See figures 2, 3, and claims 10-14.	1-20
A	US 7094207 B1 (STEVE KOH) 22 August 2006 See figures 2, 4, and claims 1, 18.	1-20
A	US 2007-0179390 A1 (STUART O. SCHECTER) 02 August 2007 See figures 16-19, and claims 1, 14.	1-20

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
20 JANUARY 2010 (20.01.2010)	**20 JANUARY 2010 (20.01.2010)**

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
KIM, KEON HYEONG
Telephone No. 82-42-481-8509

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/044957

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2002-0143259 A1	03.10.2002	CA 2426622 A1	29.10.2003
		CA 2426622 C	27.01.2009
		CA 2452943 A1	15.07.2004
		EP 1103216 A2	30.05.2001
		EP 1103216 A3	03.04.2002
		EP 1103216 B1	09.01.2008
		JP 2001-178693 A	03.07.2001
		KR 10-2001-0061958 A	07.07.2001
		US 2003-0139674 A1	24.07.2003
		US 6520918 B1	18.02.2003
		US 6705998 B2	16.03.2004
		US 6805671 B2	19.10.2004
US 2006-0167361 A1	27.07.2006	EP 1848330 A2	31.10.2007
		US 2008-0243006 A1	02.10.2008
		US 7507208 B2	24.03.2009
		WO 2006-081453 A2	03.08.2006
		WO 2006-081453 A3	20.09.2007
US 7094207 B1	22.08.2006	None	
US 2007-0179390 A1	02.08.2007	EP 1660176 A2	31.05.2006
		EP 1665110 A2	07.06.2006
		US 2005-0043895 A1	24.02.2005
		US 2005-0182447 A1	18.08.2005
		US 2006-0235480 A1	19.10.2006
		US 2007-0168127 A1	19.07.2007
		US 2007-0191901 A1	16.08.2007
		US 7010347 B2	07.03.2006
		US 7065400 B2	20.06.2006
		US 7592909 B2	22.09.2009
		WO 2005-018570 A2	03.03.2005
		WO 2005-018570 A3	03.03.2005
		WO 2005-020025 A2	03.03.2005
		WO 2005-020025 A3	03.03.2005

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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.
12/125,859	05/22/2008	David Thor Linker	UWSCV130703	5307

26389 7590 03/03/2011

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
DIETRICH, JOSEPH M

ART UNIT	PAPER NUMBER
3762	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

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

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

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

efiling@cojk.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of	:	
LINKER, DAVID THOR	:	DECISION ON REQUEST TO
Application No. 12/125,859	:	PARTICIPATE IN PATENT
Filed: May 22, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. UWSCV130703	:	PROGRAM AND PETITION
Title: LONG-TERM MONITORING FOR DISCRIMINATION OF DIFFERENT HEART RHYTHMS	:	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 Feb. 25, 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 Niketa Patel, the SPE of Art Unit 3762 at 571-272-4156 for Class 600/509 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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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Hubertus Notohamiprodjo et al :
Application No. 12/125,874 : ON PETITION
Filed: May 22, 2008 :
Attorney Docket No. MP1932/ 13361-173001

This is a decision on the petition, filed September 20, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 26, 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 2821 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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FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Hubertus NOTOHAMIPRODJO, et *al.* :
Application No. 12/125,874 :
Filed: May 22, 2008 :
Attorney Docket No. **MP1932/ 13361-173001** :

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 March 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 11, 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 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

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

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101 Columbia Road
P.O. Box 2245
Morristown NJ 07962-2245

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Hughes et al. :
Application No. 12/125,932 : DECISION ON PETITION
Filed: May 23, 2008 :
Attorney Docket No. H0016665 :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed May 3, 2010. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 4, 2010. A Notice of Abandonment was mailed 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 payment of the $1510 issue and publication fees of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

If appropriate a change of address should be submitted. 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) 272-3215.

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

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Charles H. Jew
236 West Portal Ave. Ste 533
San Francisco, CA 94127

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Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington DC 20036

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Hae ock CHOI et al.	:	
Application No. 12/125,992	:	RESPONSE TO PETITION
Filed: May 23, 2008	:	
Attorney Docket No. YOM-0496-ET	:	

This is a response to the renewed petition under 37 CFR 1.59(b), filed August 12, 2008, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Miscellaneous Incoming Letter (Letter), filed May 23, 2008, be expunged from the above identified application. The petition submits that this information was unintentionally submitted in the above identified application.

37 CFR 1.59 states in part:

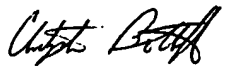
> (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
> (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
> (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

The standards for expunging information that is unintentionally submitted in an application, including the standards for establishing that the expungement of the information is appropriate, is discussed in MPEP section 724.05 II. This section states that a petition may be filed under 37 CFR 1.59(b), provided that:

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

Petitioner has not satisfied requirements B-D. In regard to item B, although the petition indicates that the information was unintentionally submitted and the Letter is not related to the present application, the record does not indicate that irreparable harm will be caused by the Letter's continued presence in the file regardless of its relevance. Petitioner should provide statements affirming items B-D in any renewed petition.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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.
12/125,994	05/23/2008	Makoto Haga	201252-0015-00 (424108)	5573

55694 7590 08/31/2010
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
ART UNIT	PAPER NUMBER
2183	

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):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

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Alexandria, VA 22313-1450
www.uspto.gov

Drinker Biddle & Reath (DC)
1500 K. Street, N.W., suite 1100
Washington, DC 20005-1209

In re Application of: HAGA M.
Application No. 12/125,994
Filed: May 23, 2008
For: Numerical controller having function of resuming look-ahead of block.

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) ~~pilot~~ program and the petition under 37 CFR 1.102(d), filed June 24, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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 allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the 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);

(7) ~~The required petition fee under 37 CFR 1.17(h)~~.

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 22 2011

OFFICE OF PETITIONS

Chan Wang
21205 Halworth Road
Beachwood OH 44122

In re Application of :
Chan Qian WANG : ON PETITION
Application No. 12/126,044 :
Filed: May 23, 2008 :
Atty. Docket No.: BI-018074 US PRI

This is in response to the petition under 37 CFR 1.137(b), filed July 27, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Requirement for Restriction/Election mailed July 26, 2010, which set a shortened period for reply of one (1) month. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned August 27, 2010. A Notice of Abandonment was mailed May 4, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a response to the Requirement for Restriction/Election mailed July 26, 2010, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

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

The application file will be referred to Technology Center Art Unit 3732 for further action on the filed Response.

Rajnesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YOUNG BASILE
3001 WEST BIG BEAVER ROAD, SUITE 624
TROY, MI 48084

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of

Joseph A. ELLUL, JR.
Application No. 12/126,058
Filed: May 23, 2008
Attorney Docket No. **LPL-101-C**

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 20, 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. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> **(1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;**
>
> **(2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and**
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (**1**) and (**2**) of the above certifications.

In view of the above, the request can not be granted at this time.

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

Inquires concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1700.

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

cc: **JOSEPH A. ELLUL, JR.**
P.O. BOX 2118
LUTZ, FL 33548

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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SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
INTELLECTUAL PROPERTY DEPT. - A700
5005 E. MCDOWELL ROAD, P.O.BOX 62890
PHOENIX AZ 85082

In re Application of
SUKUP, FRANTISEK et al. :
Application No.: 12/126,122 :
Filing or 371(c) Date: May 23, 2008 :
Attorney Docket Number: ONS01049 :

AUG 12 2010

DECISION ON
PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on January 25, 2010.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed September 11, 2009 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on December 30, 2009.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on September 15, 2009. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee in the amount of $1,510, and $300 for publication fee were charged to Deposit Account No. 50-1086.

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of :
Richard T, Behrens, et al. :
Application No. 12/126,188 : DECISION GRANTING PETITION
Filed: May 23, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 15540US02 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2471 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: HELIO-001A	Application Number (if known): 12/126,194	Filing date: May 23, 2008

First Named Inventor: Gene C. Hunt

Title: SOLAR PANEL CLEANING SYSTEM

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: Statement on Materiality Standard

Signature	Date 10/7/10
Name (Print/Typed) Kit M. Stetina	Registration Number 29445

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

☐ *Total of _____ forms are submitted.

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

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

Application No.: 12/126,194
Petition to Make Special Under the Green Technology Pilot Program
Attorney Docket: HELIO-001A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gene C. Hunt	Confirmation No.	5985
Serial No.:	12/126,194	Art Unit:	3749
Filed:	May 23, 2008	Examiner:	Unknown
For:	SOLAR PANEL CLEANING SYSTEM		

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir/Madam:

Applicant respectfully submits that the invention recited in the claims materially contributes to the development of renewable energy resources and the more efficient utilization and conservation of energy resources. In particular, the invention recited in the claims is directed to the increased efficiency in solar panels. As described in paragraph 6 of the instant specification, various elements may have an adverse effect on the solar panel's efficiency of converting sunlight into electricity. Paragraph 7 of the instant specification states that there may be a ten-percent (10%) to seventy-percent (70%) reduction in maximum efficiency due to dirty or covered solar panels. Paragraph 3 of the instant specification indicates that the present invention relates to a cleaning system, more particularly, to an automatic solar panel cleaning system for maximizing potential efficiency. As indicated in the claims sections, the claims are directed toward a solar panel cleaning system as well as a method for cleaning the solar panels. As such, Applicant respectfully submits that the claimed invention materially contributes to the development of renewable energy resources (i.e. solar energy) and the more efficient utilization of the solar energy. Hence, the

materiality standard for the Petition to Make Special Under the Green Technology Pilot Program is met.

Applicant submits concurrently herewith the attached Petition to Make Special Under the Green Technology Pilot Program as well as the statements above in relation to the materiality standard. Applicant respectfully requests that the instant application be appointed special status under the Green Technology Pilot Program. Application respectfully requests that the instant application be placed on the Examiner's special docket since the first Office Action has not yet been rendered. Applicant respectfully requests that this Petition be granted.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/7/10 By: _____

Customer No.: 007663

Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

KMS/JCY/nar

T:\Client Documents\HELIO\001A (WAS ADSYS001A)\PetitionMakeSpecialGreenTech.doc

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.
12/126,194	05/23/2008	Gene C. Hunt	HELIO-001A	5985

7663 7590 10/21/2010

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER	
RAO, G NAGESH	

ART UNIT	PAPER NUMBER
1714	

MAIL DATE	DELIVERY MODE
10/21/2010	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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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

OCT 21 2010

In re Application of :
Gene C. Hunt et al. : DECISION ON PETITION
Application No. 12/126,194 : TO MAKE SPECIAL UNDER
Filed: May 23, 2008 : THE GREEN TECHNOLOGY
Attorney Docket No. HELIO-001A : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 07, 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 1714 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISON & FOERSTER, LLP
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
Li Liu, et al. :
Application No. 12/126,347 : DECISION ON PETITION
Filed: May 23, 2008 : TO WITHDRAW
Attorney Docket No. 70553-00013-US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2011.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on April 19, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONNOLLY BOVE LODGE & HUTZ, LLP**
P.O. Box 2207
Wilmington, DE 19899

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.
12/126,380	05/23/2008	Jeong Na HEO	PHO-0115	6339

23413 7590 02/01/2012

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

EXAMINER
TALBOT, BRIAN K

ART UNIT	PAPER NUMBER
1715	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

usptopatentmail@cantorcolburn.com

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

January 30, 2012

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of :
HEO, JEONG NA , et al. : **DECISION ON PETITION**
Application No: **12/126380** :
Filed: **05/23/2008**
Attorney Docket No: **PHO-0115**

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 13, 2008.

The petition is **DISMISSED.**

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

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

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

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

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

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Volker J. Ringer, et al. :
Application No. 12/126,385 : DECISION ON PETITION
Filed: May 23, 2008 :
Attorney Docket No. GPK-10-1631 :

This is a decision on the petition under 37 CFR 1.182, filed, July 2, 2010, to correct the spelling of the name of inventor "Voker J. Ringer" to – Volker J. Ringer --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, 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.

Any 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.

The matter is being referred to Technology Center Art Unit 1714 for examination on the merits by the Examiner in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/126,385	05/23/2008	1714	1160	GPK-10-1631	20	3

CONFIRMATION NO. 6348

CORRECTED FILING RECEIPT

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

OC00000042981927

Date Mailed: 08/10/2010

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

Applicant(s)

Volker J. Ringer, Kirkland, CANADA;
Alain Chamberland, Pincourt, CANADA;
Rudy Chang, Lasalle, CANADA;
Christine Tourigny, Lasalle, CANADA;

Assignment For Published Patent Application

ANDRITZ INC., Glens Falls, NY

Power of Attorney: The patent practitioners associated with Customer Number 23117

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/988,447 11/16/2007

Foreign Applications

If Required, Foreign Filing License Granted: 06/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/126,385**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR COLLECTING PAPER DUST

Preliminary Class

134

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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DENNIS V. CARMEN
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT TN 37660-5075

MAILED
OCT 07 2011
OFFICE OF PETITIONS

In re Application of :
BERRY-WALKER, et al :
Application No. 12/126,397 : ON PETITION
Filed: May 23, 2008 :
Attorney Docket No. 7737/92772 :

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

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed January 14, 2011, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on March 15, 2011. *See* MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The 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 1763 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DENNIS V. CARMEN
PO BOX 511
KINGSPORT, TN 37662

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BOULEVARD, SUITE 1400
ARLINGTON, VA 22201

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of :
Knut EIS, et *al.* :
Application No. 12/126,437 : DECISION GRANTING PETITION
Filed: May 23, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **BAYSCH-0045** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 13, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 8, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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JUNEAU PARTNERS
333 N FAIRFAX STREET, SUITE 305
ALEXANDRIA, VA 22301

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Todd L. JUNEAU	:	
Application No. 12/126,454	:	DECISION ON PETITION
Filed: May 23, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **JUNEAU-TANK**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 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, July 15, 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 October 16, 2009.

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

The instant petition lacks item (3). The statement provided is considered improper because the electronic signature of Mr. Todd L. Juneau is improper. In this regard, the name should be in between two forward slashes. *See example.*

/John A. Doe/

Accordingly, the petition 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.**

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

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JUNEAU PARTNERS
333 N FAIRFAX STREET,SUITE 305
ALEXANDRIA, VA 22301

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Todd L. JUNEAU :
Application No. 12/126,454 : DECISION ON PETITION
Filed: May 23, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **JUNEAU-TANK** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 15,2009, 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 October 16, 2009.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2839 for appropriate action by the Examiner in the normal course of business on the reply received June 6, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

HONIGMAN MILLER
SCHWARTZ & COHN LLP
38500 WOODWARD AVENUE
SUITE 100
BLOOMFIELD HILLS MI 48304-5048

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
James Steelman, Timothy O'Brien	:	DECISION NOTING JOINDER
Larry Vigneau, Jeromy Weible	:	OF INVENTOR AND PETITION
Application No. 12/126,462	:	UNDER 37 C.F.R. § 1.47(a)
Filed: May 23, 2008	:	MOOT

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(A)" filed June 1, 2010. The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on May 23, 2008, without an executed declaration. The original petition included a declaration executed by all inventors except inventor Steelman on their own behalf and on his behalf. Petitions filed September 19, 2008 and May 13, 2009 were dismissed for failure to provide adequate proof that inventor Steelman could not be reached or found after diligent effort to join in the application.

On instant request for reconsideration, applicants submitted a declaration for patent executed by previously non-signing joint inventor Steelman.

The declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file

wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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AUG 27 2010

OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of :
Christopher V. FEUDO, et al :
Application No. 12/126,539 : DECISION ON PETITION
Filed: May 23, 2008 : TO WITHDRAW
Attorney Docket No. P34193 : 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. 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 William S. Boshnick on behalf of the attorneys of record associated with Customer No. 07055. The attorneys of record associated with Customer No. 07055 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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

cc: CHRISTOPHER V. FEUDO
8219 SHADOWRIDGE DRIVE
FAIRFAX STATION VA 22039

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
12/126,539	05/23/2008	Christopher V. FEUDO	P34193

CONFIRMATION NO. 6633

7055
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

POWER OF ATTORNEY NOTICE

OC00000004247590

Date Mailed: 08/27/2010

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.

/dcgoodwyn/

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Chambers, *et al.*

Serial No.: 12/126,556

Filed: May 23, 2008

For: PARAMETER STANDARDIZATION

Confirmation Number: 6674

Group Art Unit: 3629

Examiner: TBA

Docket No.: 11613-1020

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

RENEWED PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM (37 C.F.R. 1.102)

Sir:

Applicant renews its Petition for special status in the above identified application.

The following conditions to make special under this program are:

1. The application must have no more than three independent claims and no more that twenty total claims.

This application has a total of twenty (20) claims, with three (3) independent claims which are claims 1, 8 and 15.

2. The application must not contain any multiple dependent claims.

There are no multiple dependent claims in the application.

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) green house gas emission reduction.

Applicant submits that this invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

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.

Applicant submits a Declaration of Anthony F. Bonner, registered to practice before the U.S. Patent and Trademark Office as an attorney, registration number 55,012, which should fulfill this requirement.

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.

Applicant agrees to this. It is requested that the examiner conduct the telephonic interview with the undersigned attorney.

6. The Petition to Make Special must be filed electronically.

This Petition is being 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.

Applicant submits a printout of the status of the application as it appears in the PAIR system. There is no indication that a first Office Action has issued.

8. The Petition must be accompanied by a Request for Early Publication in compliance with 37 C.F.R. 1.219 and include the publication fee as set forth in 37 C.F.R. 1.18(b).

Applicant submits a copy of the first page of the published application. Accordingly, early publication has already occurred.

No fee is required as this Petition is being submitted under 37 C.F.R. 1.102(c)(ii).

TK File: 11613-1020
Serial No. 12/126,556

Applicant respectfully requests that the above identified application be made special.

Respectfully submitted,

George M. Thomas

George M. Thomas
Reg. No.: 22,260 11-15-2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
600 Galleria Parkway
Suite 1500
Atlanta, Georgia 30339-5948
Tel. No.: 770-933-9500
Customer No. 24504

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Confirmation Number: 6674

Chambers, et al. Group Art Unit: 3711

Serial No.: 12/126,556 Examiner: TBA

Filed: May 23, 2008 Docket No.: 11613-1020

For: PARAMETER STANDARDIZATION

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

ATTN: Special Program Examiner, Technology Center Unassigned
(M.P.E.P. §1002.02(s))

Declaration of Anthony Bonner

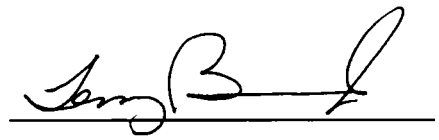
1. My name is **Anthony Bonner**. I am over the age of 21 years. I have personal knowledge of the facts stated in this declaration and the facts stated in this declaration are true and correct.

2. I am an attorney of record of U.S. Application No. 12/126,556.

3. I have been involved in preparing and prosecuting U.S. Application No. 12/126,556.

4. The invention of the above-referenced application will materially reduce the consumption of natural resources by efficiently managing operation of electric based (and other powered devices) devices, such as HVAC Systems, appliances, lighting, etc. More specifically, as explicitly recited in the pending claims, embodiments of this application relate to implementing a business rule for controlling assets (*e.g.*, HVAC Systems, appliances, lighting, *etc.*). Because a business rule is utilized, natural resources will be conserved due to cost savings inherent in implementing a business rule for this purpose.

I declare under the United States of America penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Date: FEBRUARY 12, 2010 By: 

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12/126,556 Parameter Standardization

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Transaction History

Date	Transaction Description
05-21-2009	PG-Pub Issue Notification
02-26-2009	Transfer Inquiry to GAU
10-17-2008	Reference capture on IDS
10-17-2008	Information Disclosure Statement (IDS) Filed
10-17-2008	Information Disclosure Statement (IDS) Filed
09-11-2008	Case Docketed to Examiner in GAU
08-05-2008	Transfer Inquiry to GAU
06-05-2008	Reference capture on IDS
06-05-2008	Information Disclosure Statement (IDS) Filed
07-30-2008	IFW TSS Processing by Tech Center Complete
06-25-2008	Application Dispatched from OIPE
06-05-2008	Information Disclosure Statement (IDS) Filed
06-04-2008	Sent to Classification Contractor
06-04-2008	Filing Receipt
06-04-2008	Application Is Now Complete
05-24-2008	Cleared by OIPE CSR
05-23-2008	IFW Scan & PACR Auto Security Review
05-23-2008	Initial Exam Team nn

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- *Send general questions about USPTO programs to the USPTO Cont*
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US 20090132091A1

(19) **United States**

(12) **Patent Application Publication**

Chambers et al.

(10) **Pub. No.: US 2009/0132091 A1**

(43) **Pub. Date: May 21, 2009**

(54) **PARAMETER STANDARDIZATION**

(75) Inventors: **Gregory L. Chambers**, Atlanta, GA (US); **Kenneth D. Van Meter**, Alpharetta, GA (US)

Correspondence Address:
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E., STE 1500
ATLANTA, GA 30339-5994 (US)

(73) Assignee: **Prenova**, Atlanta, GA (US)

(21) Appl. No.: **12/126,556**

(22) Filed: **May 23, 2008**

Related U.S. Application Data

(60) Provisional application No. 60/988,939, filed on Nov. 19, 2007.

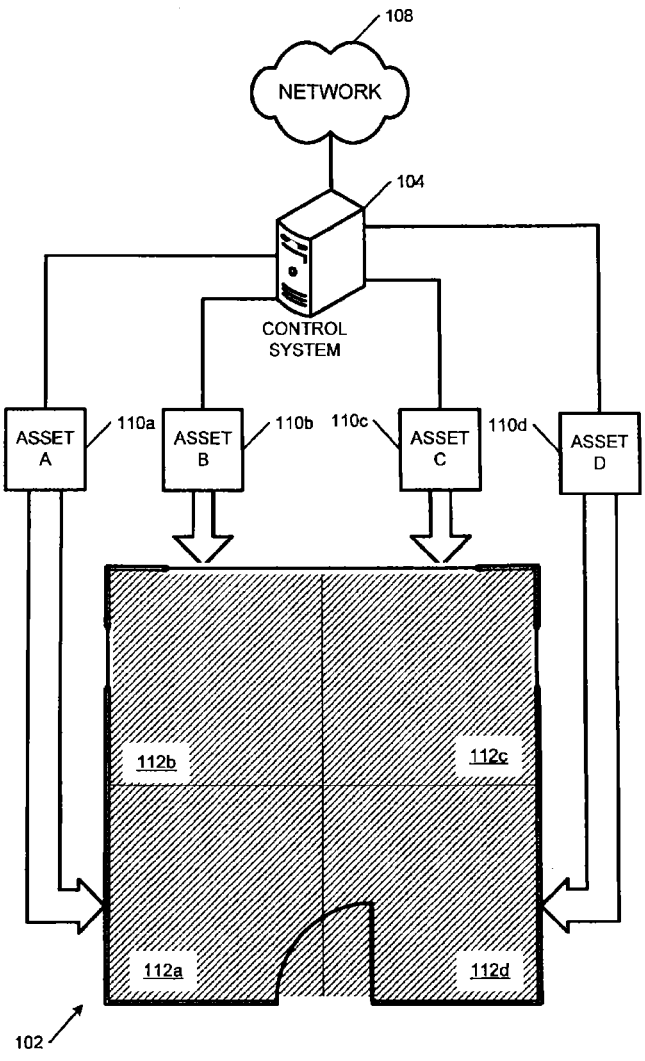
Publication Classification

(51) **Int. Cl.**
G05B 13/02 (2006.01)

(52) **U.S. Cl.** **700/276**

(57) **ABSTRACT**

Included are embodiments for parameter standardization. At least one embodiment of a system includes a first determining component configured to determine at least one business rule associated with at least one environment and a second determining component configured to determine settings for a plurality of assets associated with the at least one environment to enforce the determined at least one business rule. Some embodiments include a sending component configured to send a signal to the plurality of assets to implement the business rule.



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,556	05/23/2008	Gregory L. Chambers	11613-1020	6674

24504 7590 12/01/2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
EVANS, KIMBERLY L	
ART UNIT	**PAPER NUMBER**
3629	

MAIL DATE	DELIVERY MODE
12/01/2010	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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DEC - 1 2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of	:	
Gregory CHAMBERS et al.	:	DECISION ON PETITION
Application No. 12/126,556	:	TO MAKE SPECIAL UNDER
Filed: May 23, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 11613-1020	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 12, 2010 and a second petition filed on November 15, 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 petitions are **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 4 and 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status 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. The declaration of Anthony Bonner asserts that "*as explicitly recited in the pending claims, embodiments of this application relate to implementing a business rule for controlling assets (e.g. HVAC Systems, appliances, lighting, etc.). Because a business rule is utilized, natural resources will be conserved due to cost savings inherent in implementing a business rule for this purpose.*" This statement is merely a speculation on how the instant invention can be used to materially enhance the quality of the environment, or contributing to the restoration or maintenance of the basic life-sustaining natural elements. Since it is unclear what the business rule is or how it is set, it is merely speculation on how a business rule can bring about a more efficient utilization of assets. Furthermore, as the control system is set based on user's preferences (as described in paragraph 0029 of the specification), it does not necessarily mean a reduction in energy consumption. Because different individuals have very different requirements for health, comfort and efficient performance, using user's preferences as a factor in controlling assets would not necessarily lead to energy conservation. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee (in the amount of $300.00) as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed. The request for early publication and the publication fee are required even when the application has already been published.

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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3629 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

Application Serial Number: 12/126,556

Attorney Docket Number: IQ1-0047US

To: Examiner Evans
Fax: 571-270-4929
Phone: (571) 270-3829

From: Beatrice L. Koempel-Thomas (Reg. No. 58213)
Lee & Hayes, PLLC
bea@leehayes.com
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Agenda for an Examiner Interview

– INFORMAL COMMUNICATION –

This communication provides an agenda for an interview of this application. The interview is currently scheduled for Wednesday, March 14, at 2 p.m. in the Randolph building. We hope that it would not be necessary to reschedule the interview; however in the event that you need to, please contact Jennifer Phipps at 509-944-4737.

Thank you for agreeing to meet regarding this application.

Interview Agenda:

- Discussion of example differences and proposed amendments
- Discussion of proposed new claims

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Example Differences and Proposed Amendments

Claim 1, with proposed amendments, recites, (with emphasis added):

> A computer-implemented method, comprising:
> providing a graphical user interface via a display device, the graphical user interface being operative to display a plurality of selections, a first of the selections being associated with a first business rule, a second of the selections being associated with a second business rule;
> automatically monitoring a first parameter of a first environment and **at least one operational parameter** of equipment associated with the first environment;
> receiving, via a communication network, information corresponding to a user selection at the user interface, the user selection corresponding to the first business rule;
> automatically determining operating settings for the equipment, via computer processor-executed instructions, **based at least in part on**, ~~responsive to~~ the information received and **the at least one operational parameter**, the equipment being operative to alter the first parameter; and
> automatically instructing, via the communication network, the equipment to implement the first business rule by operating at the settings being determined;
> wherein, responsive to [[the]] receiving the information corresponding to a user selection corresponding to the second business rule, the equipment is automatically instructed, via the communication network, to alter the operating settings to implement the second business rule.

Ehlers describes a system and method to manage delivery of energy from a distribution network to one or more sites. *Ehlers*, Abstract. Utility companies manage the distribution network and the sites comprise residential customers and others. *See Ehlers* Fig. 1B and ¶ 257.

Claim 1 relates to the monitoring of multiple parameters (e.g., operational and environmental) and the controlling of the environmental parameter based at least in part on information received from the monitoring. In the Office Action, the Office appears to rely on Fig. 4C of Ehlers as disclosing the monitoring "a first parameter of a first environment." *Action*, pp. 3-4. However, Ehlers does not appear to also discuss "monitoring . . . at least one operational parameter" and then instructing equipment to

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implement instructions, based at least in part on the information received from the operational and environmental monitoring.

Accordingly, Applicant's representative respectfully requests a discussion of claim 1.

Claim 8, with proposed amendments, recites, (with emphasis added):

> A control system, comprising:
> a user interface configured to receive a user input ~~associated with~~ representing selection of a business rule ~~among~~ as a selected business rule from a plurality of business rules represented by the user interface, the plurality of business rules including at least a first business rule and a second business rule;
> a determining component configured to determine settings for **a first asset of a first environment** communicating according to **a first protocol** and settings for **a second asset of a second environment** communicating according to **a second protocol**, the settings being based at least in part on a plurality of monitored ~~parameter~~ parameters of the first environment and the second environment, ~~an environment associated with the first asset~~ such that the settings enforce the selected business rule ~~selected~~ from among the plurality of business rules; and
> a sending component configured to send a signal to the first asset and the second asset to implement the selected business rule;
> wherein, responsive to the user input representing the selection ~~corresponding to~~ of the first business rule, the determining component determines settings for the first asset and the second asset to enforce the first business rule and, responsive to the user input corresponding to the second business rule, the determining component determines settings for the first asset and the second asset to enforce the second business rule.

Claim 8 has been amended to include language designating that the control system can determine settings of different assets in different environments. By way of a non-limiting example, this could be a situation where the control system is implemented to control the operation of numerous assets (e.g., lighting, HVAC, etc.) on the first floor of a building and also control the operation of different assets on a different floor of the building. In some cases, each different asset may only be enabled to communicate

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according one or a limited number of protocols. The communication protocols may also be different for different assets. If an operator desires to communicate and control each asset according to one system, then the different protocols for different assets may present a problem. The control system of claim 8, however, remedies this problem by enabling communication with all of the assets regardless of the communication protocols of the asset.

In addition to the benefit of communicating according to different protocols, the system of claim 8 also is able to control the operation of each asset. On the other hand, Ehlers seems to discuss a scenario where multiple assets (e.g., pool pump, water heater, etc.) are connected to a network, but it does not appear to discuss functionality to control the operation of multiple assets as described in claim 8. *Ehlers*, Fig. 1B. Also, although Ehlers describes managing deliver of energy from a distribution network to one or more sites, Ehlers does not disclose any ability to determine, monitor, and control the settings of different assets at the different sites.

Accordingly, Applicant's representative respectfully requests a discussion of claim 8.

Proposed New Claims

Applicant wishes to discuss **proposed new claims 29, 32 and 33.**

Proposed New Claim 29, recites, (with emphasis added):

The computer-implemented method of claim 1, further comprising automatically executing **a watchdog routine**, wherein **the watchdog routine alters**, without regard to the user selection at the user interface watchdog routine, **the operating settings** of the equipment from **service settings** to **normal operating settings**.

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Proposed New Claim 32, recites, (with emphasis added):

The control system of claim 15, further comprising means for **communicating with a remote system**.

Proposed New Claim 32, recites, (with emphasis added):

The control system of claim 32, wherein **the remote system** comprises:

means for monitoring a plurality of parameters of the first environment and the second environment;

means for determining the settings of the first asset and the second asset; and

means for sending a signal to the plurality of assets **to implement** the selected business rule.

Conclusion

Thank you for arranging time for this interview. We look forward to discussing this application with you.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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Appendix of Claims

1. **(Proposed Amended)** A computer-implemented method, comprising:

providing a graphical user interface via a display device, the graphical user interface being operative to display a plurality of selections, a first of the selections being associated with a first business rule, a second of the selections being associated with a second business rule;

automatically monitoring a first parameter of a first environment and at least one operational parameter of equipment associated with the first environment;

receiving, via a communication network, information corresponding to a user selection at the user interface, the user selection corresponding to the first business rule;

automatically determining operating settings for the equipment, via computer processor-executed instructions, based at least in part on, ~~responsive to~~ the information received and the at least one operational parameter, the equipment being operative to alter the first parameter; and

automatically instructing, via the communication network, the equipment to implement the first business rule by operating at the settings being determined;

wherein, responsive to [[the]] receiving the information corresponding to a user selection corresponding to the second business rule, the equipment is automatically instructed, via the communication network, to alter the operating settings to implement the second business rule.

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2. **(Previously Presented)** The method of claim 1, further comprising logging, in a non-transitory computer readable medium, at least one value associated with the determined settings.

3. - 4. **(Canceled)**

5. **(Previously Presented)** The method of claim 1, wherein the equipment includes at least one heating ventilation air conditioning (HVAC) unit.

6. **(Original)** The method of claim 5, wherein the settings include at least one of the following: temperature settings and humidity settings.

7. **(Previously Presented)** The method of claim 1, wherein automatically determining operating settings includes utilizing regression predictor response mathematics.

8. **(Proposed Amended)** A control system, comprising:

a user interface configured to receive a user input ~~associated with~~ representing selection of a business rule ~~among~~ as a selected business rule from a plurality of business rules represented by the user interface, the plurality of business rules including at least a first business rule and a second business rule;

a determining component configured to determine settings for a first asset of a first environment communicating according to a first protocol and settings for a second

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asset of a second environment communicating according to a second protocol, the settings being based at least in part on a plurality of monitored ~~parameter~~ parameters of the first environment and the second environment, ~~an environment associated with the first asset~~ such that the settings enforce the selected business rule ~~selected~~ from among the plurality of business rules; and

a sending component configured to send a signal to the first asset and the second asset to implement the selected business rule;

wherein, responsive to the user input representing the selection ~~corresponding to~~ of the first business rule, the determining component determines settings for the first asset and the second asset to enforce the first business rule and, responsive to the user input corresponding to the second business rule, the determining component determines settings for the first asset and the second asset to enforce the second business rule.

9. **(Proposed Amended)** The control system of claim 8, further comprising a communicating component configured to communicate with a remote system, the remote system being operative to determine the settings of the first asset and the second asset, based at least in part on whether the control system is operating properly.

10. **(Previously Presented)** The control system of claim 9, wherein the remote system is operative to provide failover protection for the control system.

11. **(Canceled)**

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12. **(Original)** The control system of claim 8, further comprising a logging component configured to log at least one value associated with the determined settings.

13. **(Previously Presented)** The control system of claim 8, further comprising a monitoring component configured to monitor the first asset for compliance with the business rule selected at the user interface.

14. **(Previously Presented)** The control system of claim 8, wherein the control system is implemented as a non-transitory computer readable medium comprising the determining component.

15. **(Proposed Amended)** A control system, comprising:

means for providing a user interface configured to receive a user input ~~associated with~~ indicating selection of a business rule ~~among~~ as a selected business rule from a plurality of business rules represented by the user interface, the plurality of business rules including at least a first business rule and a second business rule;

means for determining settings for a first asset and a second asset, the settings being based at least in part on a plurality of monitored ~~parameter~~ parameters of [[an]] a first environment and a second environment associated with the first asset and the second asset such that the settings enforce the selected business rule ~~selected~~ from among the plurality of business rules; and

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means for sending a signal to the plurality of assets to implement the selected business rule such that the first asset and the second asset operate ~~operates~~ to implement the selected business rule ~~selected~~.

16. **(Original)** The control system of claim 15, further comprising means for communicating with a remote system.

17. **(Previously Presented)** The control system of claim 15, wherein the remote system is operative to provide failover protection for the control system.

18. - 19. **(Canceled)**

20. **(Previously Presented)** The control system of claim 15, further comprising means for monitoring the first asset for compliance with the business rule selected at the user interface.

21. **(Previously Presented)** The method of claim 1, wherein the communications network includes the Internet.

22. **(Previously Presented)** The method of claim 1, wherein the first business rule corresponds to cost based settings and the second business rule corresponds to temperature based settings.

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23. **(Previously Presented)** The method of claim 1, wherein the automatically monitoring, the receiving, the automatically determining, and the automatically instructing steps are performed remotely from the first environment.

24. **(Previously Presented)** The method of claim 1, further comprising:

automatically monitoring parameters corresponding to multiple environments;

automatically determining operating settings for equipment associated with the multiple environments, via computer processor-executed instructions; and

automatically instructing, via the communication network, the equipment to implement the first business rule by operating at the settings determined at the multiple environments.

25. **(Previously Presented)** The method of claim 1, wherein the first business rule corresponds to a user selected strategy for operating the equipment.

26. **(Previously Presented)** The control system of claim 8, wherein the first business rule corresponds to cost based settings and the second business rule corresponds to temperature based settings.

27. **(Previously Presented)** The control system of claim 8, wherein:

the determining component is configured to determine settings for each of a plurality of assets including the first asset, the respective settings being based at least in part on a corresponding monitored parameter of an environment associated with each

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of the assets such that the settings enforce the business rule selected from among the plurality of business rules; and

the sending component is configured to send a corresponding signal to each of the assets to implement the business rule.

28. **(Proposed New)** The computer-implemented method of claim 1, further comprising:

automatically tracking performance of the equipment; and preparing a scorecard describing, at least in part, the equipment performance.

29. **(Proposed New)** The computer-implemented method of claim 1, further comprising automatically executing a watchdog routine, wherein the watchdog routine alters, without regard to the user selection at the user interface watchdog routine, the operating settings of the equipment from service settings to normal operating settings.

30. **(Proposed New)** The control system of claim 8, further comprising a communication component configured to communicate with a remote system, the remote system being operative to:

receive data from the assets, the data relating to the monitored parameters and the settings; and

schedule a technician visit based at least in part on the data being received.

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31. **(Proposed New)** The control system of claim 15, wherein the first environment and the second environment are located within a building.

32. **(Proposed New)** The control system of claim 15, further comprising means for communicating with a remote system.

33. **(Proposed New)** The control system of claim 32, wherein the remote system comprises:

means for monitoring a plurality of parameters of the first environment and the second environment;

means for determining the settings of the first asset and the second asset; and

means for sending a signal to the plurality of assets to implement the selected business rule.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Chambers, *et al.*

Serial No.: 12/126,566

Filed: May 23, 2008

For: DEMAND CONTROL

Confirmation Number: 6691

Group Art Unit: 2121

Examiner: TBA

Docket No.: 11613-1030

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

RENEWED PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM (37 C.F.R. 1.102)

Sir:

Applicant renews its Petition for special status in the above identified application.

The following conditions to make special under this program are:

1. The application must have no more than three independent claims and no more that twenty total claims.

This application has a total of twenty (20) claims, with three (3) independent claims which are claims 1, 8 and 15.

2. The application must not contain any multiple dependent claims.

There are no multiple dependent claims in the application.

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) green house gas emission reduction.

Applicant submits that this invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

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.

Applicant submits a Declaration of Anthony F. Bonner, registered to practice before the U.S. Patent and Trademark Office as an attorney, registration number 55,012, which should fulfill this requirement.

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.

Applicant agrees to this. It is requested that the examiner conduct the telephonic interview with the undersigned attorney.

6. The Petition to Make Special must be filed electronically.

This Petition is being 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.

Applicant submits a printout of the status of the application as it appears in the PAIR system. There is no indication that a first Office Action has issued.

8. The Petition must be accompanied by a Request for Early Publication in compliance with 37 C.F.R. 1.219 and include the publication fee as set forth in 37 C.F.R. 1.18(b).

Applicant submits a copy of the first page of the published application. Accordingly, early publication has already occurred.

No fee is required as this Petition is being submitted under 37 C.F.R. 1.102(c)(ii).

Applicant respectfully requests that the above identified application be made special.

Respectfully submitted,

George M. Thomas

George M. Thomas
Reg. No.: 22,260 11/15/10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Confirmation Number: 6691

Chambers, *et al.* Group Art Unit: 2616

Serial No.: 12/126,566 Examiner: TBA

Filed: May 23, 2008 Docket No.: 11613-1030

For: DEMAND CONTROL

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

ATTN: Special Program Examiner, Technology Center Unassigned
(M.P.E.P. §1002.02(s))

Declaration of Anthony Bonner

1. My name is **Anthony Bonner**. I am over the age of 21 years. I have personal knowledge of the facts stated in this declaration and the facts stated in this declaration are true and correct.

2. I am an attorney of record of U.S. Application No. 12/126,566.

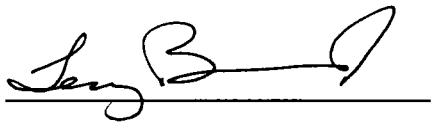
3. I have been involved in preparing and prosecuting U.S. Application No. 12/126,566.

4. The invention of the above-referenced application will materially reduce the consumption of natural resources by efficiently managing operation of electric based (and other powered devices) devices, such as HVAC Systems, appliances, lighting, etc. More specifically, as explicitly recited in the pending claims, embodiments of the present application relate to determining a change to an environmental factor and calculating a change in supply to accommodate that changed environmental factor. As a nonlimiting example, embodiments of the present application can determine that five (5) fewer people are in an office compared to a previous determination. Because there a reduced number of

people, a calculation can then be performed to determine how much air conditioning to supply to the office. By calculating the supply change necessary, resources are conserved.

I declare under the United States of America penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Date: FEBRUARY 12, 2010

By: 

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Transaction History

Date	Transaction Description
12-14-2009	Case Docketed to Examiner in GAU
05-21-2009	PG-Pub Issue Notification
10-17-2008	Reference capture on IDS
10-17-2008	Information Disclosure Statement (IDS) Filed
11-05-2008	Case Docketed to Examiner in GAU
10-17-2008	Information Disclosure Statement (IDS) Filed
09-26-2008	IFW TSS Processing by Tech Center Complete
06-20-2008	Application Dispatched from OIPE
06-05-2008	Information Disclosure Statement (IDS) Filed
06-04-2008	Sent to Classification Contractor
06-04-2008	Filing Receipt
06-04-2008	Application Is Now Complete
05-24-2008	Cleared by OIPE CSR
05-23-2008	IFW Scan & PACR Auto Security Review
05-23-2008	Initial Exam Team nn

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US 20090132092A1

(19) **United States**

(12) **Patent Application Publication**

Chambers et al.

(10) **Pub. No.: US 2009/0132092 A1**

(43) **Pub. Date: May 21, 2009**

(54) **DEMAND CONTROL**

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(21) Appl. No.: **12/126,566**

(22) Filed: **May 23, 2008**

Related U.S. Application Data

(60) Provisional application No. 60/988,939, filed on Nov. 19, 2007.

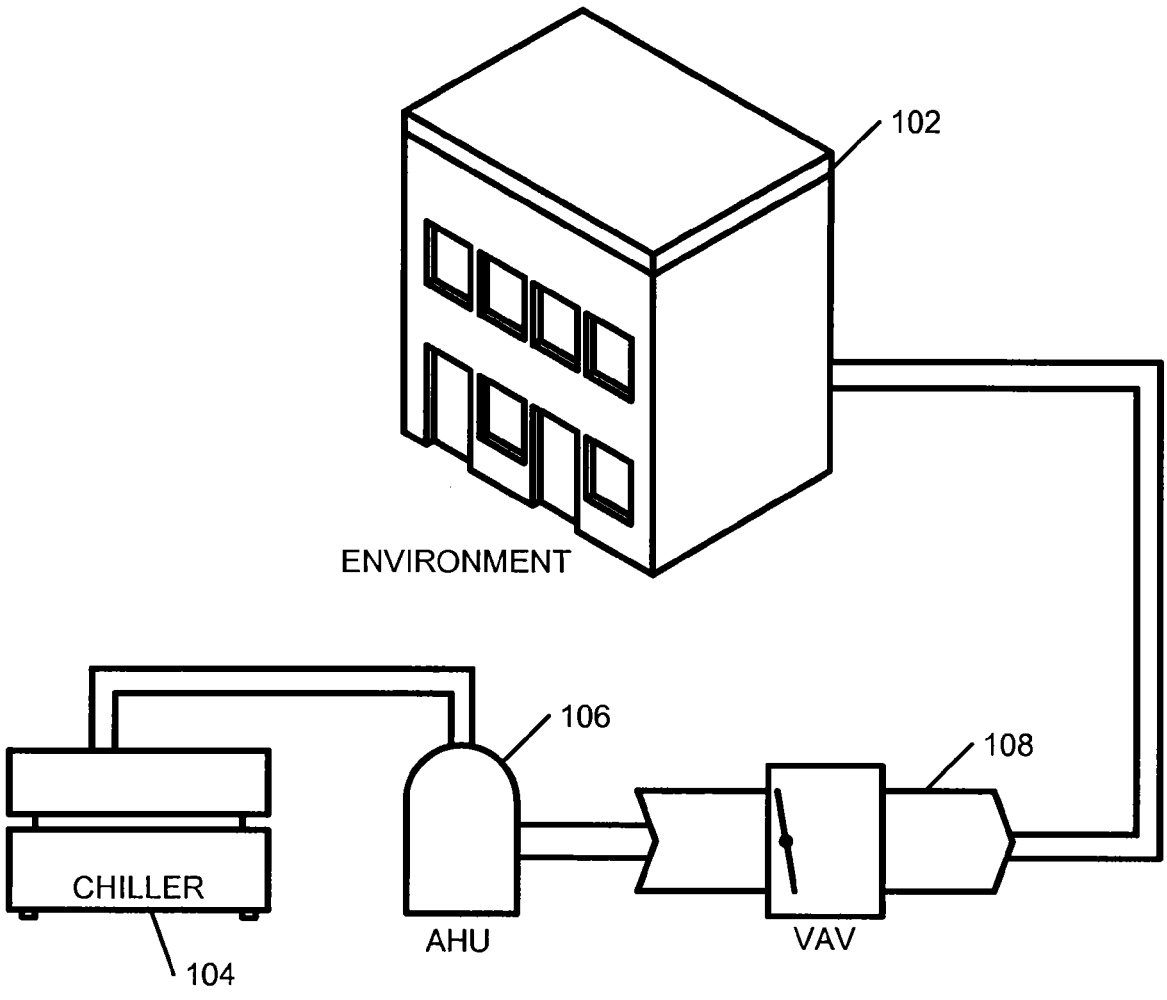
Publication Classification

(51) **Int. Cl.**
G01M 1/38 (2006.01)

(52) **U.S. Cl.** **700/276**

(57) **ABSTRACT**

Included are embodiments for demand control. At least one embodiment of a method includes sending a first control signal, the first control signal configured to indicate a first supply for an environment, the first supply based on a first environmental factor and a control setting and determining a change in a second environmental factor. Some embodiments include calculating a second supply for the environment, based on the determined change and sending a second control signal, the second control signal configured to indicate the second supply for the environment.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,566	05/23/2008	Gregory L. Chambers	11613-1030	6691

24504 7590 11/24/2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
LEE, DOUGLAS S	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
11/24/2010	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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of :
CHAMBERS, Gregory et al. :
Application No. 12/126,566 :
Filed: May 23, 2008 :
For: **DEMAND CONTROL** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

from the 1.

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(s) 8 above for the reasons explained in more detail below.

In regard to item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid.

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.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Chambers, *et al.*

Serial No.: 12/126,566

Filed: May 23, 2008

For: DEMAND CONTROL

Confirmation Number: 6691

Group Art Unit: 2121

Examiner: Lee, Douglas S.

Docket No.: 11613-1030

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

RENEWED PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM (37 CFR 1.102)
(Publication Fee Not Paid)

Sir:

This responds to the Decision on Petition to Make Special Under the Green Technology Pilot Program dated November 24, 2010.

The decision dismissed the Petition on the grounds that, in regard to item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid.

Applicant requests reconsideration. The application has already been published and there should be no fee charged at this point for publishing the application. The petition was filed after the publication of the application.

Charge to Deposit Account

In the event that the publication fee is not waived as requested, applicant hereby requests that the publication fee in the amount of $300 be charged to deposit account 20-0778 of the firm of Thomas, Kayden, Horstemeyer & Risley, LLP. A duplicate of this document is provided herewith.

This should complete the Petition to Make Special, and applicant courteously requests that the application proceed on special status.

Respectfully submitted,

George M. Thomas
Reg. No.: 22,260 12/6/10

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
600 Galleria Parkway, Suite 1500
Atlanta, Georgia 30339-5948
Tel. No.: 770-933-9500
Customer No. 24504

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,566	05/23/2008	Gregory L. Chambers	11613-1030	6691

24504 7590 01/07/2011

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
LEE, DOUGLAS S	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
01/07/2011	PAPER

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

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

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of
CHAMBERS, Gregory et al. :
Application No. 12/126,566 :
Filed: May 23, 2008 :
Attorney Docket No. **11613-1030** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed December 6, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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.

However, as authorized in the renewed petition, applicant has been charged the $300.00 publication fee as set forth in 37 CFR 1.18(d). For further verification of requirement of this fee, applicant is encouraged to visit the "Frequently Asked Questions" related to the Green Technology Pilot Program by visiting:
http://www.uspto.gov/patents/init_events/green_tech.jsp#heading-4
For petitioner's convenience, the first question and answer from the "Frequently Asked Questions" has been reproduced below in its entirety since it relates to the publication fee.

1. **If the application has published already, is a publication fee still required to be filed with the petition to make special under the Green Technology Pilot Program? (Posted on 12-23-2009)**

   A. Yes. 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). The publication of an application does not eliminate the requirement for applicant to pay the publication fee with the petition to make special. Note that this fee will not be assessed again when the application is allowed. If the application has been published, however, a request for early publication is not warranted and need not be filed.

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

The application is being forwarded to the Technology Center Art Unit 2121 for action in the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/126,569	05/23/2008	Ming Tien	PST-25202/36	6695

25006 7590 03/21/2011

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER	
PAGE, BRENT T	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
03/21/2011	PAPER

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

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

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MAR 2 1 2011

Julie K. Staple, Ph.D
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:
Meng Tien et al	:
Serial No.: 12/126,569	: PETITION DECISION
Filed: 15 August 2007	:
Attorney Docket No.: PST-25202/36 (PATENT)	:

This is in response to the petition under 37 CFR 1.144, filed 22 February 2011, requesting reconsideration of the restriction requirement.

BACKGROUND

This application is a national application filed under 35 U.S.C. 111(a) and, as such, would be considered for restriction under US practice in chapter 800 of the MPEP.

On 31 August 2010, the examiner mailed a restriction requirement in which applicants were required to elect a sequence from dependent claim 10.

On 27 September 2010, applicants elected SEQ ID NO 2, with traverse. It is noted that SEQ ID NO 2 is a polynucleotide sequence which encodes amino acid sequence SEQ ID NO 1.

On 8 December 2009, the examiner considered the traversal and made the restriction requirement final. Claims 28 and 30 were withdrawn from examination as being directed to non-elected subject matter. Claims 1-27 were rejected under 35 U.S.C. 112, first paragraph for lack of adequate written description. Claims 1-2, 4, 6, 8, 10 and 21-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Lundquist in light of Cornelissen.

On 22 February 2011, Applicants filed this petition.

DISCUSSION

The petition and file history have been carefully considered. The petition requests withdrawal of the restriction requirement.

Claim 1 is a generic claim that describes the invention without referring to any particular SEQ ID No.

> 1. A transgenic lignocellulosic plant transformed with an expression cassette encoding a protein operably linked to a signal peptide which targets the protein to a cell wall of the transgenic plant, where at least 5% of the total amino acid residues of the protein are tyrosine, lysine, serine, threonine or cysteine.

Claim 10 depends upon Claim 1 and is drafted in the format of Markush claims, reciting alternative sequences.

MPEP 803.02 sets forth the following guidance concerning election of species requirements in Markush claims:

> If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions. In such a case the examiner will not follow the procedure described below and will not require provisional election of a single species. See MPEP § 808.02.

In this instance, the four sequences are not sufficiently few in number so as to require the examiner to examine them together on the merits. Nor is it readily apparent that the sequences are closely related in structure. See the amino acid length and alignment below of the first ten residues:

```
315 aa    SEQ ID NO 1    MET GLU VAL SER VAL LEU MET TRP VAL LEU
465 aa    SEQ ID NO 3    MET ALA THR ILE HIS ARG LEU PRO SER LEU
252 aa    SEQ ID NO 5    MET ALA THR SER LYS VAL LEU LEU SER ASN
 92 aa    SEQ ID NO 7    SER ARG GLU PHE TYR PRO LYS ASN TYR GLY
```

Because the members of a Markush group are not few in number nor closely related, then the following section of MPEP 803.02 applies:

> A Markush-type claim may include independent and distinct inventions. This is true where two or more of the members are so unrelated and diverse that a prior art reference anticipating the claim with respect to one of the members would not render the claim obvious under 35 U.S.C. 103 with respect to the other member(s). In applications containing a Markush-type claim that encompasses at least two independent or distinct inventions, the examiner may require provisional election of a single species prior to examination on the merits.

Here, the examiner has not required an election of species. The examiner has required a restriction between the alternatives set forth in a dependent claim.

Instead of issuing a restriction requirement between alternatives recited in a dependent claim, the examiner should have followed the guidance in MPEP 803.02:

> An examiner should set forth a requirement for election of a single disclosed species in a Markush-type claim using form paragraph 8.01 when claims limited to species are present or using form paragraph 8.02 when no species claims are present. See MPEP § 808.01(a) and § 809.02(a).

Moreover, MPEP 803.02 sets for the following examination practice for Markush claims. Should the elected embodiment was found allowable, MPEP 803.02 requires extended examination of non-elected embodiments. See;

> Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

DECISION

For these reasons, the petition is **GRANTED** as follows:

> The restriction requirement is withdrawn and replaced with an election of species requirement. The species elected for examination remains polynucleotide SEQ ID NO 2 which encodes the amino acid sequence SEQ ID NO 1.
>
> Markush Claims will be examined in accordance with MPEP 803.02.

Applicants remain under obligation to timely respond to the Office action mailed 8 December 2010.

Upon response, the application will be forwarded to the examiner for preparation of an Office action consistent with this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.

JStone

Jacqueline Stone
Director, Technology Center 1600

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application of :
Gregor Zebic et al. :
Application No. 12/126,680 : ON PETITION
Filed: May 23, 2008 :
Attorney Docket No: 5954/002 :

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**.

This application became abandoned August 15, 2011 for failure to timely reply to the non-Final Office Action mailed May 12, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed December 12, 2011.

This matter is being referred to Technology Center 2618 for appropriate action on the amendment filed February 24, 2012.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of

Hawryshyn, et al. :

Application No. 12/126,685

: DECISION ON PETITION

Filed: May 23, 2008

:

Attorney Docket No. **1212-005**

This is a decision on the petition under 37 CFR 1.137(b), filed February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 8, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 9, 2011. A Notice of Abandonment was mailed on December 19, 2011.

The amendment filed February 6, 2012, is noted.

The application is being forwarded to Technology Center 3600, GAU 3644 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-31-11

TO SPE OF : ART UNIT 3739

SUBJECT : Request for Certificate of Correction for Appl. No.: 12126727 Patent No.: 7901402

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: _____

Changes directed to form, not scope.

/Linda C.M. Dvorak/ 3739

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No.

Thompson E. Fehr
Goldenwest Corporate Center
Suite 300
5025 Adams Avenue
Ogden UT 84403

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Dennis Spiers : DECISION ON PETITION
Application No. 12/126,830 :
Filed: May 23, 2008 :
Atty Docket No. PSPIDRDIV1 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed February 17, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the restriction requirement sent April 27, 2009. This Office action set a shortened statutory period for reply of one (1) month, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective May 28, 2009. A courtesy Notice of Abandonment was mailed on November 17, 2009.

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

Technology Center AU 3637 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the election submitted on petition filed February 17, 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

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Commissioner for Patents
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DONALD E. JOHNSON
404 SAGECREST DRIVE
SAN ANTONIO TX 78232

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of :
HADAD, ZION : DECISION ON PETITION
Application No. 12/126,945 :
Filed: 05/26/2008 :
Attorney Docket No. 18023.1011 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Corrected Application Papers mailed June 6, 2008, which set a two-month extendable period to reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 7, 2008. A Notice of Abandonment was mailed on February 9, 2009.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

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 matter is being referred to the Office of Patent Application Processing.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Gregory Scott
Two Ravinia Drive
Suite 700
Atlanta GA 30346

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/2/12

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/127,231 Patent No.: 8068660

CofC mailroom date: 02/09/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

Note your decision on the appropriate box.

☑ **Approved** **All** changes apply.

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

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

Comments: _____

_____

_____

_____ 2886
SPE **Art Unit**

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MAXYGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
515 GALVESTON DRIVE
REDWOOD CITY CA 94063

In re Application of	:	
Claus M. KREBBER et al.	:	DECISION GRANTING PETITION
Application No. 12/127,299	:	UNDER 37 CFR 1.137(b)
Filed: May 27, 2008	:	
Atty. Docket No.: 0285US220	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-compliant Amendment mailed July 16, 2010 which set a statutory period for reply of one (1) month. No extensions of time under 37 CFR 1.136(a) were obtained. The application thus became abandoned on August 17, 2010. A Notice of Abandonment was mailed March 3, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

The person signing the petition requests a change of correspondence address to the address given in the petition. There is, however, 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.

It is noted that petitioner is not of record in the present application, nor has the assignee sought to intervene in the proceedings, thus the change of address requested March 9, 2011 cannot be made.

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

The application file will be referred to Technology Center Art Unit 1656 for further action on the filed Response.

Anthony Knight
Director
Office of Petitions

cc: Bayer HealthCare LLC
Law & Patents
800 Dwight Way
Berkeley, CA 94710

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.
12/127,323	05/27/2008	Ajay A. Virkar	STFD.208PA (S08-025)	8257

40581 7590 10/05/2010

CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL, MN 55120

EXAMINER	
SNOW, COLLEEN ERIN	

ART UNIT	PAPER NUMBER
2813	

MAIL DATE	DELIVERY MODE
10/05/2010	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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CRAWFORD MAUNU PLLC
150 Northland Drive, Suite 100
St. Paul, MN 55120

In re Application of Virkar et al.
Appl. No.: 12/127323
Filed: May 27, 2008
Attorney Docket No. STFD.208PA (S08-025)

DECISION GRANTING PETITION UNDER *37 CFR 1.181*

This decision is in response to the petition filed September 16, 2010 in the above-identified application. Petitioner requests withdrawal of the finality of the Office Action mailed July 20, 2010, under 37 CFR 1.181.

Petition asserts that in the Office Action, the Examiner presented new grounds of rejection with respect to claims 21 and 23-25 that were not necessitated by amendment.

A review of the record indicates that the Examiner did present a new grounds of rejection based on prior art that was not necessitated by amendment.

The petition is GRANTED

The application will be forwarded to the Examiner for issuance of a new Office Action.

Telephone inquiries should be directed to Matthew Landau, Supervisory Patent Examiner, at (571)-272-1731.

Edward Lefkowitz
Acting Director
Patent Examining Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Tsugito Maruyama, et al.	:	
Application No. 12/127,407	:	DECISION GRANTING PETITION
Filed: May 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1924.80868	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 5, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU2123 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

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

Decision Date : October 11,2011

In re Application of :

Mikihiko SUKENO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12127494

Filed : 27-May-2008

Attorney Docket No : KON-2282

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 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 2852 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	12127494
Filing Date	27-May-2008
First Named Inventor	Mikihiko SUKENO
Art Unit	2852
Examiner Name	RODNEY BONNETTE
Attorney Docket Number	KON-2282
Title	TONER BOTTLE FOR ELECTROSTATIC LATENT IMAGE DEVELOPING

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	/DCL/
Name	Donald C. Lucas
Registration Number	31275

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DEC 14 2011

OFFICE OF PETITIONS

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

In re Application of	:	
Yong De Zhang	:	
Application No. 12/127,517	:	DECISION GRANTING PETITION
Filed: May 27, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 08136564	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 December 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) 272-3208.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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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Paper No.

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NOV 09 2010

OFFICE OF PETITIONS

INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of :
Gleixner et al. :
Application No. 12/127,584 : DECISION ON PETITION
Filed: May 27, 2008 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
P12111DC :
Title: WIREBOND STRUCTURE :
AND METHOD TO CONNECT TO A :
MICROELECTRONIC DIE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 29, 2010, 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 submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed November 23, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on February 24, 2010. A Notice of Abandonment was mailed on March 8, 2010.

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

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

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

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

With this petition, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three 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.[3]

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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 Office of Patent Publication 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 Office of Patent Publication 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.[4] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 See Rule 1.137(d).
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
PAULSON :
Application No. 12/127,612 : DECISION ON PETITION
Filed: May 27, 2008 :
Attorney Docket No. 24772-13539 :

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 timely pay the issue and publication fees on or before May 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 10, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 11, 2011. A Notice of Abandonment was mailed May 31, 2011.

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

The petition fee of $1620 as required under the provisions of 37 CFR 1.137(b), will be charged as authorized to Deposit Account No. 08-2025.

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

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/127,612	05/27/2008	Janell Paulson	24772-13539	8783

22879 7590 08/18/2011
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER	
BHATTACHARYA, SAM	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/18/2011	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):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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AUG 18 2011
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Rd.
Mail Stop 35
Fort Collins, CO 80528

In re Application of
Janell Paulson, et al.
Application No. 12/ 127,612
Filed: 05/27/2008
Attorney Docket No. 24772-13539

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 C.F.R. 1.313(b)

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 C.F.R. 1.313.

The above-identified application is hereby withdrawn from issue.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Telephone inquiries should be directed to Lester Kincaid at (571) 272-7922.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Wanda Walker

Wanda Walker, Director
Technology Center 2600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101006

DATE : October 5, 2010

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7786771

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: /Lincoln Donovan/ **Art Unit** 2816

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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

MAILED

AUG 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Dimitrios G. Cecil	:	
Application No. 12/127,716	:	DECISION ON
Filed: May 27, 2008	:	PETITION TO WITHDRAW
Attorney Docket No. 137566-0001	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Beverly M. Bunting on behalf of all attorneys/agents associated with customer 50659. All attorneys/agents associated with customer number 50659 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: Dimitrios Cecil
1354 Combermere Drive, Building H
Troy, MI 48083

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
12/127,716	05/27/2008	Dimitrios G. Cecil	137566-0001

CONFIRMATION NO. 8950

POWER OF ATTORNEY NOTICE

50659
BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR, MI 48104

OC000000043204277

Date Mailed: 08/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/04/2010.

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

/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 1450
Alexandria, VA 22313-1450
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MAILED

MAY 09 2011

OFFICE OF PETITIONS

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

In re Application of

Wise, et al.

Application No. 12/127,725

Filed: May 27, 2008

Attorney Docket No. **CRF D-3966-02**

: DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 5, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on June 6, 2010. A Notice of Abandonment was mailed December 8, 2010.

The amendment filed March 31, 2011, is noted.

The application is being forwarded to Technology Center 3600, GAU 3663 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 28 2011

OFFICE OF PETITIONS

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of :
Kenneth A. STAUDERMAN et al. : ON PETITION
Application No. 12/127,729 :
Filed: May 27, 2008 :
Atty. Docket No.: 34510-702.201 :

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

The petition is **GRANTED**.

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

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form a Request for Continued Examination (RCE), and RCE fee, and the submission under 37 CFR 1.114, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the final Office action mailed October 22, 2010 is accepted as being unintentionally delayed.

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

The application file will be referred to Technology Center Art Unit 1653 for further action on the filed Response.

Anthony Knight
Director
Office of Petitions

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BIB DATA SHEET

CONFIRMATION NO. 9013

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/127,752	05/27/2008	361	2835	101-P647/P6512US1

APPLICANTS
Douglas Weber, Arcadia, CA;

**** CONTINUING DATA ***************************
This appln claims benefit of 61/046,260 04/18/2008

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
06/04/2008

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /NIDHI DESAI/ Examiner's Signature	☐ Met after Allowance ND Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	5	21	4

ADDRESS

TI Law Group
2055 Junction Avenue, #205
San Jose, CA 95131-2116
UNITED STATES

TITLE

Perforated Substrates for Forming Housings

FILING FEE RECEIVED		
1394	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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Duckor Spradling Metzer & Wynne
A Law Corporation
3043 4th Ave.
San Diego, CA 92103

MAILED

DEC 17 2010

OFFICE OF PETITIONS

In re Application of :
J. Kevin Alsobrook, et. al. :
Application No. 12/127,777 : DECISION ON PETITION
Filed: May 27, 2008 :
Attorney Docket No. 8590-101/RE :

This is a decision on the renewed petition under 37 CFR 1.47(a) filed September 7, 2010, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventors[1].

The instant petition requires:

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or declaration executed by the available joint inventor(s),
(3) the fee of $400 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

Since the present petition complies with all the above requirements, the petition under 37 CFR 1.183 is **granted**.

This application file is being referred to Technology Center Art Unit 1781 for further processing.

Telephone inquiries regarding this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

[1] Once an application containing a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

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**ZIOLKOWSKI PATENT SOLUTIONS,
GROUP SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074**

MAILED

AUG 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Justin L. VODEN	:	
Application No. 12/127,862	:	DECISION ON PETITION
Filed: May 28, 2008	:	TO WITHDRAW
Attorney Docket No. 028657-9002-US08	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2010.

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

A review of the file record indicates that the power of attorney to Gregory V. Madden and the attorneys of record associated with Customer No. 26629, has been revoked by the applicant of the patent application on July 27, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDREA Q. RYAN
SANOFI-AVENTIS U.S. LLC
1041 ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

MAILED
MAY 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Vollert	:	
Application No. 12/127,965	:	ON APPLICATION FOR
Filed: May 28, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No. DEAV1998/L013	:	
US CNT 1	:	

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. §1.705(b)," filed April 22, 2011. Applicant requests the PTA determination for the above-identified application be corrected to zero (0) days.

The request for review of the determination of patent term adjustment (PTA) is **granted**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **zero (0)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 26, 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 4 days. On April 22,2011, applicant submitted the instant correspondence in which applicant requests the patent term adjustment be reduced for the delay associated with filing a response to the June 12, 2008 Notice to File Missing Parts of Nonprovisional Application ("Notice").

A review of the record reveals that the initial determination of patent term adjustment of 4 days is incorrect. The Office failed to enter a reduction for the reply to the June 12, 2008 Notice

that was filed on January 7, 2009. Pursuant to 37 CFR 1.704(b), a period of reduction of 117 days should have been entered. 37 CFR 1.704(b) provides that:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, applicant failed to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice mailed June 12, 2008 within the three-month period provided for in 37 CFR 1.704(b). Applicant did not file a response until January 7, 2009. Accordingly, a period of reduction of 117 days is being entered for the period beginning on September 13, 2008, the day after the date that is three months after the date of mailing of the Notice, and ending on January 7, 2009, the date applicant's reply was filed.

In view thereof, the correct patent term adjustment at the time of mailing of the Notice of Allowance on January 26, 2011 is **zero (0) days** (4 days Office delay minus 117 days Applicant delay).

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) will be charged to deposit account no. 18-1982.

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).

Applicant is 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 matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation for U.S. Application No. 12/127,965

Patent eBusiness

- Electronic Filing
- Patent Application Information (PAIR)
- Patent Ownership
- Fees
- Supplemental Resources & Support

Patent Information

Patent Guidance and General Info
- Codes, Rules & Manuals
- Employee & Office Directories
- Resources & Public Notices

Patent Searches

Patent Official Gazette
- Search Patents & Applications
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Patent Application Information Retrieval

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12/127,965 MINIATURIZED MICROTITER PLATE FOR HT-SCREENING

Select New Case | Application Data | Transaction History | Image File Wrapper | Patent Term Adjustments | Continuity Data | Foreign Priority | Published Documents | Address & Attorney/Agent

Patent Term Adjustment

Filing or 371(c) Date:	05-28-2008	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	4
A Delays:	4	PTO Manual Adjustments:	-117
B Delays:	0	Applicant Delays:	40
C Delays:	0	Total PTA Adjustments:	0

Patent Term Adjustment History **Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
81	05-20-2011	Adjustment of PTA Calculation by PTO		117	0
78.5	10-27-2009	PTA 36 Months	0		0.5
78	05-31-2011	Patent Issue Date Used in PTA Calculation			0
77	04-26-2011	Export to Final Data Capture			0
76	04-22-2011	Petition Entered			0
75	04-25-2011	Dispatch to FDC			0
74	04-25-2011	Application Is Considered Ready for Issue			0
73	04-22-2011	Miscellaneous Incoming Letter		40	0
72	04-22-2011	Issue Fee Payment Verified			0
71	04-22-2011	Issue Fee Payment Received			0
70	03-10-2011	Finished Initial Data Capture			0
69	01-28-2011	Export to Initial Data Capture			0
64	01-26-2011	Mail Notice of Allowance	4		52
63	01-21-2011	Issue Revision Completed			0
62	01-21-2011	Notice of Allowance Data Verification Completed			0
61	01-21-2011	Case Docketed to Examiner in GAU			0
59	10-08-2010	Document Verification			0
58	09-29-2010	Examiner's Amendment Communication			0
57	09-29-2010	Allowability Notice			0
53	09-26-2010	Date Forwarded to Examiner			0
52	09-22-2010	Amendment after Final Rejection			0
51	07-23-2010	Electronic Review			0
	07-23-				

50	2010	Email Notification		0
49	07-23-2010	Mail Final Rejection (PTOL - 326)		0
48	07-06-2010	Final Rejection		0
47	04-07-2010	Information Disclosure Statement considered		0
46	04-07-2010	Information Disclosure Statement (IDS) Filed	0	44
45	04-20-2010	Date Forwarded to Examiner		0
44	04-07-2010	Response after Non-Final Action		0
43	04-07-2010	Information Disclosure Statement (IDS) Filed		0
42	01-07-2010	Electronic Review		0
41	01-07-2010	Email Notification		0
40	01-07-2010	Mail Non-Final Rejection		0
39	01-04-2010	Non-Final Rejection		0
38	10-30-2009	Date Forwarded to Examiner		0
37	10-28-2009	Amendment Submitted/Entered with Filing of CPA/RCE		0
36	10-30-2009	Date Forwarded to Examiner		0
35	10-28-2009	Request for Continued Examination (RCE)		31
34	10-30-2009	Disposal for a RCE / CPA / R129		0
33	10-28-2009	Request for Extension of Time - Granted		0
32	10-28-2009	Workflow - Request for RCE - Begin		0
31	06-30-2009	Notice of Appeal Filed		0
30	07-20-2009	Email Notification		0
29	07-20-2009	Mail Advisory Action (PTOL - 303)		0
28	07-15-2009	Advisory Action (PTOL-303)		0
27	07-02-2009	Date Forwarded to Examiner		0
26	06-30-2009	Amendment/Argument after Notice of Appeal		0
25	06-30-2009	Notice of Appeal Filed		0
24	04-24-2009	Email Notification		0
23	04-23-2009	PG-Pub Issue Notification		0
22	04-01-2009	Electronic Review		0
21	04-01-2009	Email Notification		0
20	04-01-2009	Mail Final Rejection (PTOL - 326)		0
19	03-26-2009	Final Rejection		0
18	05-28-2008	Information Disclosure Statement considered		0
17	03-18-2009	Case Docketed to Examiner in GAU		0

16	01-23-2009	IFW TSS Processing by Tech Center Complete	0
15	05-28-2008	Reference capture on IDS	0
14	05-28-2008	Information Disclosure Statement (IDS) Filed	0
13	01-14-2009	Email Notification	0
12	01-13-2009	Application Dispatched from OIPE	0
11	01-14-2009	Filing Receipt - Updated	0
10	01-07-2009	Payment of additional filing fee/Preexam	0
9	06-13-2008	Electronic Review	0
8	06-12-2008	Email Notification	0
7	06-12-2008	Email Notification	0
6	06-12-2008	Notice Mailed--Application Incomplete--Filing Date Assigned	0
5	06-12-2008	Filing Receipt	0
4	06-03-2008	Cleared by OIPE CSR	0
3	06-01-2008	IFW Scan & PACR Auto Security Review	0
2	05-28-2008	Information Disclosure Statement (IDS) Filed	0
1	05-28-2008	Initial Exam Team nn	0
0.5	05-28-2008	Filing date	0

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).*
- *Send general questions about USPTO programs to the USPTO Contact Center (UCC).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.*

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110124

DATE : January 24, 2011

TO SPE OF : ART UNIT 3721

SUBJECT : Request for Certificate of Correction on Patent No.: 12/128004

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:

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110124

DATE : January 24, 2011

TO SPE OF : ART UNIT 3721

SUBJECT : Request for Certificate of Correction on Patent No.: 12/128004

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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:

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721

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MAILED

JUN 27 2011

OFFICE OF PETITIONS

Powers Law Firm
1484 Pollard Road , Suite 162
Los Gatos, CA 95032

In re Application of Jeffrey Good :
Application No. 12/128,095 : Decision on Petition
Filing Date: May 28, 2008 :
Attorney Docket No. AEGE-0110 :

This is a decision on the petition under 37 CFR 1.137(b) filed June 1, 2011, to revive the application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action issued July 2, 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 5, 2010. A Notice of Abandonment was issued January 21, 2011.

The instant petition requests revival of the application.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

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

The Office notes Attorney Elizabeth Powers signed the petition. Elizabeth Powers was not an attorney of record at the time the application became abandoned. Therefore, it appears Elizabeth

Powers may not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Elizabeth Powers that the entire delay was unintentional has been treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due 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.

Technology Center Art Unit 3611 will be informed of the instant decision and the application will be further examined in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] *See* Changes to Patent Practice and Procedure, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :

Diana Coote :
Application No. 12/128,198 : DECISION ON PETITION
Filed: May 28, 2008 : TO WITHDRAW
Attorney Docket No. **053969/338636** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 19, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Michele M. Glssner on behalf of all attorneys of record who are associated with Customer Number 00826.

All attorneys/agents associated with Customer Number 00826 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Diana Coote at the address indicated below.

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/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Diana Coote
16 Belleview Drive
Kanata Ontario, K2L 1W3

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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OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of
Stern et al.
Application No. 12/128,210
Filing Date: May 28, 2008
Attorney Docket No. P/546-457

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 12, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1611 for action on the merits commensurate with this decision.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

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

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/128,316	
First Named Inventor:	Title of Invention:
A. NISHIMIZU et al.	EDDY CURRENT FLAW DETECTION PROBE

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

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

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Daniel J. Stanger/	Date May 9, 2011
Name (Print/Typed) Daniel J. Stanger	Practitioner Registration Number 32,846

***Note**: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRUNDIDGE & STANGER, P.C.
2318 MILL ROAD, SUITE 1020
ALEXANDRIA VA 22314

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
Akira NISHIMIZU et al. :
Application No. 12/128,316 : DECISION ON PETITION
Filed: May 28, 2008 :
Attorney Docket No.: KAS-6415 :

This is a decision on the request filed May 9, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **DISMISSED**.

As set forth in the announcement, the Office action or notice will be re-mailed and the period for response will be restarted if:

(1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding;

(2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;

(3) The period for response has not yet expired; and

(4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant request is dismissed since it lacks item(s) (1) in that there is no outstanding Office notice or action pending against this application. Office records indicate that a reply was filed concurrently with the instant petition to the non-final Office action mailed November 9, 2010. Therefore, there is no relief that can be given to applicant.

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

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

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

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 7,728,529 B2
Ser. No. : 12/128,344
Inventor(s) : Roberto Burioni
Issued :June 1, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Albert Wai - Kit Chan
World Plaza, Suite 604
141 – 07 20th avenue
Whitestone, New York 11357

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 29, 2011

In re Application of :

Takaichiro UMEDA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12128347

Filed : 28-May-2008

Attorney Docket No : 016689.00119

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 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 2874 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	12128347
Filing Date	28-May-2008
First Named Inventor	Takaichiro UMEDA
Art Unit	2874
Examiner Name	ELLEN KIM
Attorney Docket Number	016689.00119
Title	INKJET PRINTER WITH VARIABLE SIZE TANKS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Chunhsi Andy Mu/
Name	Chunhsi Andy Mu
Registration Number	58216

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

MAILED
SEP 14 2011
OFFICE OF PETITIONS

In re Application of :
Charles J. Digmann, et al. :
Application No.: 12/128,443 : ON PETITION
Filed: May 28, 2008 :
Attorney Docket No.: 92/F08-010A :

This is a decision on the petition, filed September 13, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 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 3635 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/10/11

TO SPE OF : ART UNIT: **2625 Attn: ZIMMERMAN MARK K (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/128507 Patent No.: 7808674

CofC Mailroom date: 01/14/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

/Mark Zimmerman/ _2625___
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

MAILED

FEB 01 2011

OFFICE OF PETITIONS

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, California 92121

In re Application of :
Tom RICHARDSON et al. : DECISION DISMISSING PETITION
Application No. 12/128,527 : UNDER 37 CFR 1.137(b)
Filed: 28 May 2008 :
Atty. Docket No.: 060596D2 :

This is a decision on the petition under 37 CFR 1.137(b), filed 7 January 2011, to revive the above-identified application ("Application").

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The Application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed 29 September 2010 ("Notice"), which set a reply period of three (3) months. The application thus became abandoned on 30 March 2010, with notification mailed 12 January 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The present petition lacks item (1).

As the abandonment was the result of failure to pay the Issue and Publication fees, a proper reply would have included the required fees (MPEP 711.03(c)). Petitioner has filed a Request for Continued Examination **without** the required fees. As such, Petitioner's reply is not proper.

There is no indication that the person signing the instant Petition was given a power of attorney or authorization of agent to prosecute the Application. Further, it is not apparent whether the signer of the Petition was in a position to have firsthand 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 the delay. *See,* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (10 October 1997), 1203 Off. Gaz. Pat. Office 63, 103 (21 October 1997). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, Petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-6051).

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

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, California 92121

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Tom RICHARDSON et al.	:	DECISION GRANTING PETITION
Application No. 12/128,527	:	UNDER 37 CFR 1.137(b)
Filed: 28 May 2008	:	
Atty. Docket No.: 060596D2	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 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 Notice of Allowance and Fees Due mailed 29 September 2010 (Notice), which set a statutory period of reply of three (3) months. The application thus became abandoned on 30 March 2010, with notification mailed 12 January 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, the submission required under 37 CFR 1.114, issue fee, and publication fee, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Petitioner has submitted the petition fee of $1620 twice (January 7, 2011 and April 28, 2011), however only one fee is required. Accordingly, $1620 will be returned to petitioners deposit account 17-0026.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 2112 for further action.

for David Bucci
Petitions Examiner
Office of Petitions

Attorney Docket No.: 060596D2

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Appln. No.: 12/128,527

Applicant: Tom Richardson

Filed: May 28, 2008

Examiner: Mujtaba M. Chaudry

Art Unit: 2112

Customer No. 23696

Confirm. No.: 1493

Title: LDPC DECODING METHODS AND APPARATUS

Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Sir:

Applicant hereby requests reconsideration of a petition submitted under 37 CFR 1.137(b) filed on January 7, 2011. The petition was dismissed as improper for failure to pay Issue and Publication Fees.

I. The Conditions for Granting the Petition Have Been Satisfied

Applicant hereby requests revival of this application. Submitted herewith are:

(1) Petition fee under 37 CFR 1.17(m)

Adjustment date: 05/16/2011 CKHLOK
04/29/2011 INTEFSH 00002761 170026 12128527
01420.00 CR

(2) Issue and Publication Fee under 37 CFR 1.18(a) and 1.18(d)

(3) A one month extension of time under 37 CFR 1.17(a)

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: May 3, 2011

2 Serial/Patent # 12/128,527

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
✓	Petition		April 28, 2011	$ 1620
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 1620

8 TO BE REFUNDED BY:

	Treasury Check
✓	Credit Deposit A/C #:

9 ✓ 7 -- 0 0 2 6

10 REASON:

	Overpayment
	Duplicate Payment
✓	No Fee Due (Explanation):

Petition fee paid & timed.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Robert M. Delahunty TITLE: Atty. Advisor

SIGNATURE: [signature] PHONE:

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: OK to OK DATE: 5/16/11

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

October 20, 2010

Andrea E. Tran
Garrana Tran LLP
2000 Bering Drive
Suite 150
Houston, TX 77057

Patent No.	: 7,805,533 B2
Ser. No.	: 12/128,594
Inventor(s)	: Ross Kevin Burns, et al.
Issued	: September 28, 2010
Docket No.	: DL005.0065
Title	: **METHODS AND MEDIA FOR A PROTOCOL ABSTRACTION LAYER FOR INFORMATION HANDLING SYSTEMS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Guice Patents PLLC
9532 Liberia Avenue, # 805
Manassas VA 20110

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ching Hsieh :
Application No. 12/128,608 : DECISION ON PETITION
Filed: May 28, 2008 :
Attorney Docket No. 4615-0082 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 16, 2010. The Notice of Abandonment was mailed March 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $930, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3727for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDermott Will & Emery LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Shih-Hsiung LIN, et al. :
Application No. 12/128,644 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **085027-0367** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 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]

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 the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2892 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

cc: **McDERMOTT WILL & EMERY, LLP**
18191 VON KARMAN AVENUE, SUITE 500
IRVINE, CA 92612

---

[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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Sprinkle IP Law Group/Zimmer
1301 W. 25th Street
Suite 408
Austin, TX 78705

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Abhijeet Joshi :
Application No. 12/128,766 : DECISION ON PETITION
Filed: May 29, 2008 : TO WITHDRAW
Attorney Docket No. 1292.1400101 : 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 15, 2012.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to all attorneys/agents associated with the firm of Sprinkle Law Group have been revoked by the assignee of the patent application on February 13, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Seager, Tufte & Wickhem, LLC
1221 Nicollet Avenue
Suite 800
Minneapolis, MN 55403-2420

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209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

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AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Diego A. COLOMBEK, et *al.* :
Application No. 12/128,795 : DECISION ON PETITION
Filed: May 29, 2008 :
Attorney Docket No. **9006-1044** :

CORRECTED DECISION

This is a decision on the petition, filed August 10, 2009, 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 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed December 29, 2008, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 28, 2009.

Petitioner states that a timely reply was mailed on March 30, 2009, which included the following paper(s): a one (1) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears an electronic transmission date of March 30, 2009.

The petition satisfies the requirements of 37 CFR 1.181. Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of December 29, 2008 is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision may be directed to Monica A. Graves at 571-272-7253.

This application is being referred to Technology Center AU 1614 for appropriate action in the normal course of business on the reply received with petition.

Thurman K. Page
Petitions Examiner
Office of Petitions

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SEP 29 2011

OFFICE OF PETITIONS

(Weatherford) Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th floor
Houston TX 77070

In re Application of
Jones, et al.
Application No. 12/128,811
Filed: May 29, 2008
Dkt. No.: 205-0086US

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT
:
:
:

This is a decision on the petition filed on September 26, 2011 requesting that the patent term adjustment as reflected on the Determination of Patent Term Adjustment be corrected to remove the applicant delay of 45 days in connection with the information disclosure statement filed October 14, 2010.

The petition to correct the patent term adjustment indicated on Determination of Patent Term Adjustment is **GRANTED**.

In view thereof, as of the time of allowance, the application is entitled to an overall adjustment of 334 days (364 days of Office delay less 30 days of applicant delay)

The Office acknowledges receipt of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

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).

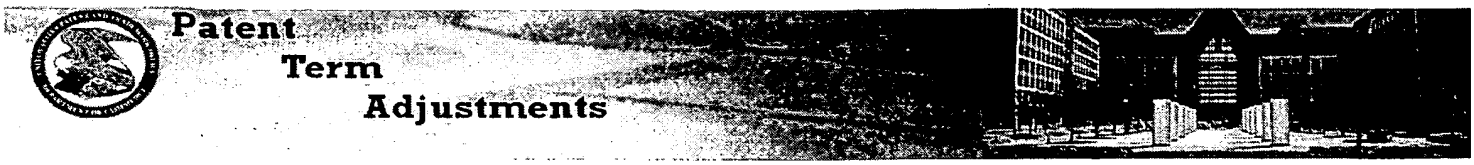
Attached please find copy of the adjusted PAIR calculation.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12128811 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12128811

Application Filing Date	05/29/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	364
A Delays	364	PTO Manual Adjustment	45
B Delays	0	Applicant Delay (APPL)	75
C Delays	0	Total PTA (days)	334

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
85	09/27/2011		P028	Adjustment of PTA Calculation by PTO	45		0
82	09/16/2011		MN/=.	Mail Notice of Allowance			0
81	09/14/2011		OAR	Office Action Review			0
80	09/14/2011		OAR	Office Action Review			0
79	09/14/2011		IREV	Issue Revision Completed			0
78	09/14/2011		DVER	Document Verification			0
77	09/14/2011		N/=.	Notice of Allowance Data Verification Completed			0
76	09/13/2011		EX.A	Examiner's Amendment Communication			0
75	09/13/2011		CNTA	Allowability Notice			0
71	09/08/2011		FWDX	Date Forwarded to Examiner			0
70	09/02/2011		A.NE	Amendment after Final Rejection			0
69	08/03/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
68	08/01/2011		OAR	Office Action Review			0
67	07/30/2011		CTFR	Final Rejection			0
65	07/25/2011		FWDX	Date Forwarded to Examiner			0
66	07/13/2011		IDSC	Information Disclosure Statement considered			0
64	07/13/2011		A...	Response after Non-Final Action			0
63	07/13/2011		EIDS.	Electronic Information Disclosure Statement			0
62	07/13/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
61	04/15/2011		MCTNF	Mail Non-Final Rejection			0
60	04/12/2011		CTNF	Non-Final Rejection			0
58	03/04/2011		IDSC	Information Disclosure Statement considered			0
56	03/04/2011		EIDS.	Electronic Information Disclosure Statement			0
55	03/04/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
53	03/03/2011		FWDX	Date Forwarded to Examiner			0
59	02/28/2011		IDSC	Information Disclosure Statement considered			0
54	02/28/2011		C614	New or Additional Drawing Filed			0
52	02/28/2011	01/29/2011	A...	Response after Non-Final Action		30	48
51	02/28/2011		XT/G	Request for Extension of Time - Granted			0
50	02/28/2011		M844	Information Disclosure Statement (IDS) Filed			0
49	02/28/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
48	10/29/2010		MCTNF	Mail Non-Final Rejection			0
47	10/28/2010		CTNF	Non-Final Rejection			0
42	10/14/2010		IDSC	Information Disclosure Statement considered			0
38	10/14/2010	08/30/2010	EIDS.	Electronic Information Disclosure Statement		45	33
37	10/14/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
34	09/01/2010		FWDX	Date Forwarded to Examiner			0
43	08/30/2010		IDSC	Information Disclosure Statement considered			0
36	08/30/2010		RCAP	Reference capture on IDS			0
35	08/30/2010		EIDS.	Electronic Information Disclosure Statement			0
33	08/30/2010		ELC.	Response to Election / Restriction Filed			0
32	08/30/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
31	07/28/2010	07/29/2009	MCTRS	Mail Restriction Requirement	364		0.5
30	07/28/2010		CTRS	Restriction/Election Requirement			0
28	07/23/2010		DOCK	Case Docketed to Examiner in GAU			0
27	07/20/2010		DOCK	Case Docketed to Examiner in GAU			0
26	05/05/2010		DOCK	Case Docketed to Examiner in GAU			0
45	03/31/2010		IDSC	Information Disclosure Statement considered			0
44	03/31/2010		IDSC	Information Disclosure Statement considered			0
25	03/31/2010		EIDS.	Electronic Information Disclosure Statement			0
24	03/31/2010		EIDS.	Electronic Information Disclosure Statement			0
23	03/31/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
22	03/31/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
21	12/03/2009		PG-ISSUE	PG-Pub Issue Notification			0
20	09/03/2009		DOCK	Case Docketed to Examiner in GAU			0
19	09/01/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
18	08/25/2009		C.AD	Correspondence Address Change			0
17	10/21/2008		DOCK	Case Docketed to Examiner in GAU			0
16	09/16/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
12	07/03/2008		OIPE	Application Dispatched from OIPE			0
11	06/23/2008		PGPC	Sent to Classification Contractor			0
10	06/23/2008		FLRCPT.U	Filing Receipt - Updated			0
9	06/23/2008		COMP	Application Is Now Complete			0
8	06/16/2008		ADDFLFEE	Additional Application Filing Fees			0
7	06/16/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
6	06/10/2008		FLRCPT.O	Filing Receipt			0
5	06/10/2008		CPAP	Corrected Paper			0
46	06/06/2008		IDSC	Information Disclosure Statement considered			0
15	06/06/2008		RCAP	Reference capture on IDS			0

4	06/06/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
3	05/30/2008	L194	Cleared by OIPE CSR	0
2	05/29/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	05/29/2008	IEXX	Initial Exam Team nn	0
0.5	05/29/2008	EFILE	Filing date	0

Export to: Excel

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(Weatherford) Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th floor
Houston TX 77070

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MAR 13 2012
OFFICE OF PETITIONS

In re Patent No. 8,100,181
Issued: January 24, 2012
Application No. 12/128,811
Filed: May 29, 2008
Dkt. No.: 205-0086US

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on February 1, 2012 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 567 days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application issued as U.S. Pat. No. 8,100,181 on January 24, 2012. The patent issued with a patent term adjustment of 531 days. The instant request for reconsideration of patent term adjustment was timely filed February 1, 2012. Patentees contest the reduction of 43 days assessed in connection with the information disclosure statement (IDS) filed December 13, 2011. In this regard, patentee asserts that the correct period of reduction is seven days, not 43 days.

Patentee's arguments have been carefully considered and found in part persuasive. The submission of the IDS on December 13, 2011 is properly deemed a failure to engage in reasonable efforts to conclude prosecution (or processing). However, the correct period of reduction is eight days. The reduction commenced December 13, 2011, the date that the IDS was filed, and ended December 20, 2011, the date that the Supplemental Notice of Allowability was mailed in response thereto. See, 37 CFR 1.704(c)(10).

In view thereof, the patent is entitled to an overall adjustment of 566 days (649 days of adjustment pursuant to 37 CFR 1.703 *less* 83 days of applicant day pursuant to 37 CFR 1.704).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

The required $200.00 fee set forth in 37 CFR 1.18(e) has been charged to the authorized deposit account. No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 566 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,100,181

DATED : January 24, 2012 **DRAFT**

INVENTOR(S) : Jones, 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 531 days

Delete the phrase "by 531 days" and insert – by 566 days--

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2820 FIFTH STREET
DAVIS, CA 95618

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NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Ashok Banerjee, et al. :
Application No. 12/128,835 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GGL-1552-00-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 19, 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 9, 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 2443 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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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JOHN S. BEULICK (17851)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 08/03/2010

Applicant	: Mark Andrew Runkle	: DECISION ON REQUEST FOR
Patent Number	: 7664590	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/128,864	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **141** 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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Stefan Hell, et al. :
Patent No. 7,880,150 :
Issued: February 1, 2011 :
Application No. 12/128,948 :
Filed: May 29, 2008 :
Attorney Docket No. **051812-1680** :

NOTICE

This is a notice regarding your request filed December 30, 2010, 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 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) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No.

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No. 12/128,999 :
Filed: May 29, 2008 :
Attorney Docket No. 023812-9004 :
-00 :
Title: PHENYL PIPERAZINE :
COMPOUNDS, PHARMACEUTICAL :
COMPOSITION COMPRISING THE SAME :
AND USE THEREOF :

: DECISION ON APPLICATION
: FOR
: PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed April 28, 2011. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from one hundred and fifteen (115) days to one hundred and eighty-four (184) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred and eighty-four (184)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Notice of Allowance and Issue Fee Due was mailed on March 1, 2011, with an indication that the patent term adjustment to date was 115 days. Applicants have disputed one period of delay: the

69-day reduction associated with the filing of a supplemental response on February 8, 2101. 37 CFR § 1.704(c)(8) indicates that the submission of a supplemental reply, other than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in § 1.703, and the reduction will constitute 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.

A non-final Office action was mailed on July 2, 2010, and a response was received on December 1, 2010 (along with a two-month extension of time). A supplemental response was subsequently received on February 8, 2011, which resulted in a reduction of 69 days, pursuant to 37 CFR § 1.704(c)(8). Applicants dispute this reduction on the basis that it was expressly requested by the examiner.[1]

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[2]

Applicants' argument has been considered and has been found to be persuasive. The record supports a conclusion that the response filed February 8, 2011 was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Thus, the reduction of 69 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred and eighty-four (184) days (244 days of Office delay minus 60 days of Applicant delay).

Submission of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

---

[1] Petition, page 2. See also submission of February 8, 2011, page 7.
[2] Petition, page 1.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

PTA/PTE Information

Application Number*: 12128999 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12128999

Application Filing Date	05/29/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	244
A Delays	244	PTO Manual Adjustment	69
B Delays	0	Applicant Delay (APPL)	129
C Delays	0	Total PTA (days)	184

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
49	05/14/2011		P028	Adjustment of PTA Calculation by PTO	69		0
41	03/01/2011		MN/=.	Mail Notice of Allowance			0
40	02/28/2011		IREV	Issue Revision Completed			0
39	02/28/2011		DVER	Document Verification			0
38	02/15/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
37	02/15/2011		EX.A	Examiner's Amendment Communication			0
36	02/15/2011		N/=.	Notice of Allowance Data Verification Completed			0
35	02/14/2011		CNTA	Allowability Notice			0
34	02/09/2011		FWDX	Date Forwarded to Examiner			0
33	02/08/2011	12/01/2010	SA..	Supplemental Response		69	29
30	12/03/2010		FWDX	Date Forwarded to Examiner			0
31	12/01/2010		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received			0
29	12/01/2010	10/02/2010	A...	Response after Non-Final Action		60	25
28	12/01/2010		XT/G	Request for Extension of Time - Granted			0
32	07/26/2010		IDSC	Information Disclosure Statement considered			0
27	07/26/2010		EIDS.	Electronic Information Disclosure Statement			0
26	07/26/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
25	07/02/2010		MCTNF	Mail Non-Final Rejection			0
24	06/21/2010		CTNF	Non-Final Rejection			0
22	05/02/2010		FWDX	Date Forwarded to Examiner			0
21	04/22/2010		ELC.	Response to Election / Restriction Filed			0
20	03/30/2010	07/29/2009	MCTRS	Mail Restriction Requirement	244		0.5
19	03/15/2010		CTRS	Restriction/Election Requirement			0
16	12/03/2009		PG-ISSUE	PG-Pub Issue Notification			0
15	07/15/2009		A.PE	Preliminary Amendment			0
13	11/05/2008		DOCK	Case Docketed to Examiner in GAU			0
12	11/02/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
10	06/25/2008		OIPE	Application Dispatched from OIPE			0
9	06/24/2008		FLRCPT.R	Filing Receipt - Replacement			0
8	06/20/2008		APPERMS	Applicants have given acceptable permission for participating foreign			0
7	06/16/2008		PGPC	Sent to Classification Contractor			0
6	06/16/2008		FLRCPT.O	Filing Receipt			0
5	06/16/2008		COMP	Application Is Now Complete			0
4	06/05/2008		L194	Cleared by OIPE CSR			0
3	06/02/2008		SCAN	IFW Scan & PACR Auto Security Review			0
23	05/29/2008		IDSC	Information Disclosure Statement considered			0
11	05/29/2008		EIDS.	Electronic Information Disclosure Statement			0
2	05/29/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
1	05/29/2008		IEXX	Initial Exam Team nn			0
0.5	05/29/2008		EFILE	Filing date			0

Export to: Excel

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Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Paper No.

BABCOCK & WILCOX POWER
GENERATION GROUP, INC.
PATENT DEPARTMENT
20 SOUTH VAN BUREN AVENUE
BARBERTON OH 44203

MAILED

JUN 30 2011

OFFICE OF PETITIONS

In re Application of :
Sarv et al. : DECISION ON PETITION
Application No. 12/129,052 :
Filed: May 29, 2008 :
Atty Docket No. Case 7224 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 19, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

On September 15, 2010, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective December 16, 2010. The instant petition 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 the required statement of unintentional delay, along with an additional statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

However, although petitioner states one is enclosed, the petition does not include a reply to the Office action. In view thereof, the petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BABCOCK & WILCOX POWER
GENERATION GROUP, INC.
PATENT DEPARTMENT
20 SOUTH VAN BUREN AVENUE
BARBERTON OH 44203

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Sarv et al. : DECISION ON PETITION
Application No. 12/129,052 :
Filed: May 29, 2008 :
Atty Docket No. Case 7224 :

This is a decision on the renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed August 4, 2011.

The petition is **GRANTED**.

The instant application became abandoned effective December 16, 2010 for failure to file a reply to the non-final Office action mailed September 15, 2010. A courtesy Notice of Abandonment was mailed on July 13, 2011.

By decision mailed June 30, 2011, the initial petition under 37 CFR 1.137(b) was dismissed. The petition did not include the reply required to the outstanding Office action or notice and the reply was not previously filed

This renewed petition includes the required reply in the form of an amendment. All requirements of 37 CFR 1.137(b) have now been met.

Technology Center AU 3743 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on renewed petition filed August 4, 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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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Daekeun Yoon et al :
Application No. 12/129,081 : ON PETITION
Filed: May 29, 2008 :
Attorney Docket No. CU-6796 WWP

This is a decision on the petition, filed December 9, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 5, 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

[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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DAVIS & BUJOLD P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Bertrand Blanchet
Application No. 12/129,089 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. METPAT P87AUS :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 18, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Patent No. : 7842909 B2
Application No.: 12/129096
Inventor(s) : Brendan Dunne et al.
Issued : 11/30/2010
Title : CMOS IMAGING DEVICE COMPRISING A MICROLENS ARRAY EXHIBITING A HIGH FILLING RATE
Attorney Docket No.: 852663.468C1

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 02/09/2011

Address: Robert Iannucci
SEED Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092

ts/md

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JUN 22 2011
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SEED INTELLECTUAL PROPERTY LAW
GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

In re Patent No. 7,842,909 :
Issue Date: November 30, 2010 :
Application No. 12/129,096 : DECISION ON PETITION
Filed: May 29, 2008 :
Attorney Docket No. 852663.468C1 :

This is a decision on the Request To Correct The Assignee Under 37 CFR §3.81(b) and Renewed Request For Certificate Of Correction, filed February 16, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to accept the omission of the second assignee's name. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to accept the omission of the second assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner urges that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form submitted with the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,842,909.

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

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AUG 3 1 2011

OFFICE OF PETITIONS

Amanda Wittine
Avery Dennison Corporation
8080 Norton Parkway, 22-D
Mentor OH 44060

In re Application of	:	
Christopher T. CALDWELL	:	DECISION DISMISSING PETITION
Application No. 12/129,129	:	UNDER 37 CFR 1.181
Filed: May 29, 2008	:	
Atty. Docket No.: 4559-US/M-700	:	

This is a decision on the petition, filed August 8, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application was held abandoned for failure to properly reply in a timely manner to the final Office action mailed August 6, 2010. A reply that did not place the application in condition for allowance was filed October 5, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were received. An advisory action was mailed April 1, 2011. A Notice of Abandonment was mailed May 26, 2011.

A grantable petition under 37 CFR 1.181 requires: (1) evidence that an Office action was not received, or (2) evidence that an appropriate reply was timely mailed or filed. The present petition does not satisfy either (1) or (2).

In the present petition, petitioner asserts that because an advisory action was not mailed until April 1, 2011, a Request for Continued Examination (RCE) filed April 27, 2011 was timely filed. MPEP § 714.13(1) states:

> "If an applicant initially replies within 2 months from the date of mailing of any final rejection setting a 3-month shortened statutory period for reply and the Office does not mail an advisory action until after the end of the

> 3-month shortened statutory period, the period for reply for purposes of determining the amount of any extension fee will be the date on which the Office mails the advisory action advising applicant of the status of the application, **but in no event can the period extend beyond 6 months from the date of the final rejection**."

In the present case, the application became abandoned *as a matter of law* at the end of 6 months from the mailing date of the final Office action, August 6, 2010. The six-month statutory period expired on February 6, 2011. Therefore, the filing of the RCE on April 27, 2011 was not timely.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed.
>
> (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 final Office action reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the petition fee.

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 April 27, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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 relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

for Anthony Knight
Director
Office of Petitions

cc: PTO/SB/64

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Amanda Wittine
Avery Dennison Corporation
8080 Norton Parkway, 22-D
Mentor OH 44060

MAILED
OCT 28 2011
OFFICE OF PETITIONS

In re Application of :
Christopher T. CALDWELL : PETITION DECISION
Application No. 12/129,129 :
Filed: May 29, 2008 :
Atty. Docket No.: 4559-US/M-700 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application was held abandoned for failure to properly reply in a timely manner to the final Office action mailed August 6, 2010. A reply that did not place the application in condition for allowance was filed October 5, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were received. An advisory action was mailed April 1, 2011. A Notice of Abandonment was mailed May 26, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of $1860, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 3781.

Anthony Knight
Director
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MCHALE & SLAVIN PA
2855 PGA BLVD
PALM BEACH GARDENS FL 33410

In re Application of :
Patrick Lepivert :
Application No. 12/129,138 : ON PETITION
Filed: May 29, 2008 :
Attorney Docket No. 2179.000007 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 10, 2010.

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 July 21, 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 October 30, 2009. The Office mailed a Notice of Abandonment on April 30, 2010.

With the instant petition, applicant 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 3767 for consideration of the Amendment, filed September 10, 2010.

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

Paper No.: _____

DATE : November 22, 2010

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/129229No.: 7779924

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Magdalene Talley

_____
Certificates of Correction Branch
(571)272-0XXX

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____ SPE /Shane Bomar/ Art Unit 3676

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/129,293	05/29/2008	Alan Diehl	10761-5U3	1851

570 7590 08/02/2010

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
LAUGHLIN, NATHAN L	
ART UNIT	**PAPER NUMBER**
2123	

NOTIFICATION DATE	DELIVERY MODE
08/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@panitchlaw.com

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

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 Market Street, Suite 2200
Philadelphia, PA 19103

In re Application of:
Alan Diehl
Application No. 12/129,293
Filed: May 29, 2008
For: ENGAGEMENT MILLING

DECISION ON PETITION
UNDER 37 CFR § 1.48(b)

This is a decision on the petition, filed on 29 May 2008, under 37 C.F.R. § 1.48(b).

The petition is **GRANTED**.

The application is being forwarded to the Technology Center Support Staff to delete inventor Robert B. Patterson in the PALM database and to mail a corrected filing receipt.

/Rehana Perveen/

Rehana Perveen, TQAS
Technology Center 2100
Computer Architecture and Software
571-272-3676

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.
12/129,293	05/29/2008	Alan Dichl	10761-5U3	1851

570 7590 08/03/2010

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
LAUGHLIN, NATHAN L	
ART UNIT	**PAPER NUMBER**
2123	

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):

usptomail@panitchlaw.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

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 Market Street, Suite 2200
Philadelphia, PA 19103

In re Application of:
Alan Diehl
Application No. 12/129,293
Filed: May 29, 2008
For: ENGAGEMENT MILLING

DECISION ON PETITION
UNDER 37 CFR § 1.48(b)

This is a decision on the petition, filed on 29 May 2008, under 37 C.F.R. § 1.48(b).

The petition is **GRANTED**.

The application is being forwarded to the Technology Center Support Staff to delete inventor Robert B. Patterson in the PALM database and to mail a corrected filing receipt.

Rehana Perveen, TQAS
Technology Center 2100
Computer Architecture and Software
571-272-3676

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P.O. Box 1450
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SPRINKLE IP LAW GROUP
1301 W. 25th STREET
SUITE 408
AUSTIN, TX 78705

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JAN 19 2012

OFFICE OF PETITIONS

In re Application of :
Seiichiro Saito :
Application No. 12/129,354 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SUZU1950 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 18, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 15, 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 2158 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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SCHWEGMAN, LUNDBERG & WOESSNER, PA
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Damon Charles Hougland, et al.
Application No. 12/129,492
Filed: May 29, 2008
Attorney Docket No. 2579.571US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 29, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, PA has been revoked by the assignee of the patent application on November 2, 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
JAN 19 2012
OFFICE OF PETITIONS

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Patent of Erdman et al.	:	ON APPLICATION FOR
Patent No. 8,035,240	:	PATENT TERM ADJUSTMENT
Issue Date: October 11, 2011	:	AND NOTICE OF INTENT TO
Application No. 12/129,543	:	ISSUE CERTIFICATE OF
Filed: May 29, 2008	:	CORRECTION
Atty. Docket No. 18495-005US	:	

This is in response to the "REQUEST FOR REVISION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705(d)," filed December 12, 2011.

Patentees request the determination of patent term adjustment indicated on the patent be reviewed because it appears to omit two reductions of the PTA that might have been triggered by the filing of a response on September 23, 2008 to a Notice to File Missing Parts of Nonprovisional Application, mailed June 13, 2008 and the filing of a response on May 17, 2011 to a restriction requirement, mailed May 17, 2011.

The request for review of the patent term adjustment is **GRANTED to the extent indicated above.**

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of six hundred ninety-three (693) days.

On October 11, 2011, the above-identified application matured into U.S. Patent No. 8,035,240 with a revised patent term adjustment of 703 days.

Pursuant to 37 CFR 1.704(b), a period of reduction of 10 days should have been entered in connection with the filing of a response on September 23, 2008 to a Notice to File Missing Parts

of Nonprovisional Application, mailed June 13, 2008. No reduction is in order in connection with the filing of a response on May 17, 2011 to a restriction requirement, mailed May 17, 2011.

37 CFR 1.704(b) provides that:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, patentees did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice to File Missing Parts of Application mailed June 13, 2008 within the three-month period provided for in 37 CFR 1.704(b). Patentees did not file a proper response until September 23, 2008. Accordingly, a period of reduction of 10 days is being entered for the period beginning on September 14, 2008, the day after the date that is three months after the date of mailing of the Notice, and ending on September 23, 2008, the date patentees' reply was filed.

Per the language of 37 CFR 1.704(b), applicants are afforded a three month period to reply to any notice or action by the Office making any rejection, objection, argument, or other request. The time period for reply set in the Office action/Notice has no impact on this regulation. Thus, applicants reply, filed May 17, 2011, to the restriction requirement, mailed February 17, 2011 was timely filed within the meaning of 37 CFR 1.704(b)because it was filed within three months of the

mailing of the restriction requirement. Therefore, no reduction is warranted.

Accordingly, the patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **six hundred ninety-three (693) days**, which is 568 days of A delay + 135 B delay - 10 days of applicant delay.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges receipt of the required $200.00 fee under 37 CFR 1.18(e).

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred ninety-three (693)** days.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,035,240 B2

DATED : **October 11, 2011** **DRAFT**

INVENTOR(S) : Erdman et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 703 days

Delete the phrase "by 703 days" and insert – by 693 days--

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APR 20 2011

OFFICE OF PETITIONS

MICHAEL R. HENSON & ASSOCIATES, LLC
5613 DTC PARKWAY, SUITE 240
GREENWOOD VILLAGE, CO 80111

In re Application of	:	
Tom C. VALAIKA	:	CORRECTED
Application No. 12/129,591	:	DECISION ON PETITION
Filed: May 29, 2008	:	TO WITHDRAW
Attorney Docket No. VLK.NP1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 11, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael R. Henson does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TOM C. VALAIKA
15982 WEST 70TH PLACE
ARVADA, CO 80007

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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STANLEY H. KREMEN
4 LENAPE LANE
EAST BRUNSWICK NJ 08816

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Rose Marie Iskowitz :
Application No. 12/129,680 : DECISION ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. 51900-ISKOWITZ-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 16, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the reply received December 26, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/129,731	05/30/2008	Masato GOMYO	NDC.0078	2611

7590 01/31/2011
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER
HEINZ, ALLEN J

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
01/31/2011	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

[illegible]
[illegible] INTEFSA [illegible] 580230 [illegible]731
[illegible] 510.00 CR
[illegible] 203.00 CR

FORM PET651G (Rev. 08/07)

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APR 04 2012
OFFICE OF PETITIONS

MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE, IL 60048-5343

In re Application of Garimella et al. :
Application No. 12/129,745 : Decision on Petition
Filing Date: May 30, 2008 :
Attorney Docket No. CML05784LCS :

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 reply in a timely manner to the non-final Office action issued March 23, 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 June 24, 2011. The Office issued a Notice of Abandonment on November 21, 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 non-final Office action, the required petition fee of $1,860, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The petition is accompanied by a payment of $1,270 for a three-month extension of time. Payment for an extension of time is unnecessary for relief to be granted under 37 CFR 1.137(b). *See* MPEP 711.03(c)(II)(A). In addition, the Office cannot accept an extension of time fee submitted after the expiration of the maximum extendable time period for reply. Therefore, the $1,270 fee has been credited back to Deposit Account No. 50-5278.

The file does not indicate a change of address has been submitted, although the mailing address given on the petition differs from the mailing 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, all correspondence mailed in the future will be sent to the current mailing address of record absent receipt of a request to change the address of record.

Technology Center Art Unit 2434 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: Susan R. Payne
6450 Sequence Drive
San Diego, CA 92121

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DEC 07 2010

OFFICE OF PETITIONS

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

In re Application of :
Budzien : DECISION ON PETITION
Application No. 12/129,786 :
Filed: May 30, 2008 :
Atty. Dkt. No.: NC#98.029 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 16, 2010.

The petition is **GRANTED**.

This application became abandoned September 25, 2010 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed June 24, 2010. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed October 8, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **11-29-10**

TO SPE OF : ART UNIT **2838**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12129833** Patent No.: **7782634**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580

Omega Lewis
Certificates of Correction Branch

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Monica Lewis/ — **SPE**

2838 — **Art Unit**

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Commissioner for Patents
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DEC 09 2010

OFFICE OF PETITIONS

INVISTA NORTH AMERICA SARL
THREE LITTLE FALLS CENTRE/1052
2801 CENTERVILLE ROAD
WILMINGTON DE 19808

In re Application of :
Slaten, et al. :
Application No. 12/129,836 : ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. PI1970USNA :

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed October 19, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed January 28, 2010, which set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on April 29, 2010. The Office mailed a Notice of Abandonment on September 8, 2010.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 1793 for consideration of the RCE, filed October 19, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Ernst-Joachim Alps, et al. :
Application No. 12/129,851 : ON PETITION
Filed: May 30, 2008 :
Attorney Docket No.: 14069-00158-US :

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 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 28, 2011. On January 3, 2012, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 27, 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of :
Mock et al. :
Application No. 12/129,852 : DECISION ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. CS33535 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed March 17, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 18, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1860.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2174 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	:	
DE VILLIERS, et al	:	
Application No. 12/129,868	:	DECISION ON PETITION
Filed: February 7, 2006	:	TO WITHDRAW
Attorney Docket No. 022031-001731US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Brad J. Loos and the attorneys associated with Customer No. 20350, has been revoked by the assignee of the patent application on June 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):	Patent Number (if applicable):
12/129,881	
First Named Inventor:	Title of Invention:
Masahiko OGINO	FINE PATTERN MOLD AND METHOD FOR PRODUCING THE SAME

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Inna S. Shestul/ I.S	Date May 6, 2011
Name (Print/Typed) Inna S. Shestul	Practitioner Registration Number 55,616

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Masahiko OGINO et al. :
Application No. 12/129,881 : DECISION ON PETITION
Filed: May 30, 2008 :
Attorney Docket No.: 520.48878X00 :

This is a decision on the request filed May 6, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 10, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1744 for re-mailing the Office action of January 10, 2011. The period for reply will run from the mailing date of the Office action.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Application Number	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12/129,918	BALACHANDRAN ET AL.
	Examiner	**Art Unit**
	TUAN A. TRAN	2618 COCX

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/129918 Patent No.: 7983623

CofC mailroom date: 02-09-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

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 /Temesghen Ghebretinsae/ **Art Unit** 2618

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

JAN 20 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
NAGATOMO, SHOICHI, et al.
Application No. 12/130,019
Filed: May 30, 2008
Attorney Docket No. **08358/LH**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 30, 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; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of :
Yuichi Makino :
Application No. 12/130,055 : DECISION GRANTING PETITION
Filed: May 30, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03500.110609.36 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 27, 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 June 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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.*

UNITED STATES 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 :

Jacobus Haartsen

Application No : 12130172

Filed : 30-May-2008

Attorney Docket No : 9342-440/ PS07 2098US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 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 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	12130172
Filing Date	30-May-2008
First Named Inventor	Jacobus Haartsen
Art Unit	3662
Examiner Name	JOHN VIGUSHIN
Attorney Docket Number	9342-440/ PS07 2098US
Title	CONTROLLING SATELLITE NAVIGATION RECEIVERS IN RESPONSE TO LOW FREQUENCY ELECTROMAGNETIC SIGNALS

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	/David C. Hall/
Name	David C. Hall
Registration Number	38904

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AGILENT TECHNLOLGIES, INC.
C/O CPA GLOBAL
PO BOX 52050
MINNEAPOLIS, MN 55402

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of :
Urs Steiner :
Application No. 12/130,198 : DECISION ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. 20102629-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 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 August 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 21, 2010. Accordingly, the date of abandonment of this application is August 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 payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

PORTER WRIGHT MORRIS & ARTHUR, LLP
INTELLECTUAL PROPERTY GROUP
41 SOUTH HIGH STREET
29TH FLOOR
COLUMBUS OH 43215

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Garry Meyers, Giovanni Pauletti : DECISION ON PETITION
and Kishorkumar Desai :
Application No. 12/130,279 :
Filed: May 30, 2008 :
Attorney Docket No. **4011192-187040** :

This is a decision on the PETITION AND REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.47(a) and 1.48(a) filed September 30, 2011. The petition under 37 CFR 1.47 is properly treated as a petition under 37 CFR 1.183, requesting waiver of the requirement under § 1.48(a)(3) for re-execution of the declaration by all of the actual inventors[1].

The above-identified application was filed on May 30, 2008. By executed declaration filed October 10, 2008, the inventive entity was set as Garry Meyers, Giovanni Pauletti, and Kishorkumar Desai. On September 30, 2011, the instant request under § 1.48(a) was filed to add Pradeep Sanghvi as the fourth inventor. No assignment appears to be of record in this application.

[1] Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the reexecution of another oath or declaration by A. In such circumstances, a petition under 37 CFR 1.183 should be considered requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors, i.e., inventor A, execute the oath or declaration, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the reexecution of the oath or declaration will be evaluated as to whether the nonsigning inventor was actually given the opportunity to reexecute the oath or declaration, or whether the nonsigning inventor could not be reached.

Preliminarily, it is noted that pursuant to the declaration filed September 30, 2011 the spelling of the name of the first-named inventor has been corrected from "Garry Meyers" to "Garry Myers" in the records of the Office.

37 CFR 1.48(a) requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has satisfied requirements (1), (4) and (5) above. The petition specifically requests the addition of inventor Pradeep Sanghvi. Petitioner has paid the processing fee. It does not appear that a written consent of assignee is required. A close reading of the petition does not reveal that any of the inventors has ever executed an assignment of this application (Inventor Myers has assigned another application). Further, the application data sheet submitted on filing does not identify an assignee.

However, the petition does not satisfy requirements (2) and (3) above. The petition does not include a statement from inventor Sanghvi that the inventorship error occurred without deceptive intent. Petitioner requests waiver of the requirement that the added inventor sign the statement that the error in not naming him occurred without deceptive intent. Further, the declaration submitted is not executed by added inventor Sanghvi or inventor Myers. Petitioner also requests waiver of the requirement that all of the inventors sign the declaration on the basis that

nonsigning inventors Sanghvi and Myers have refused to join in the application.

On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a request and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought.

As to requirements (2) and (3), in such circumstances, a petition under 37 CFR 1.183 should be considered requesting waiver of the requirement of 1.48 that the added inventor sign that statement that the error occurred without deceptive intent and the requirement of 37 CFR 1.64 that each of the actual inventors execute the oath or declaration, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the re-execution of the oath or declaration will be evaluated as to whether the non-signing inventor was actually given the opportunity to re-execute the oath or declaration, or whether the non-signing inventor could not be reached. See MPEP 201.03. As discussed above, there is no assignee of record. Nonetheless, the petition includes an adequate showing that inventors Myers and Sanghvi have refused to execute the declaration of all of the actual inventors. In addition, the petition includes an adequate showing that inventor Sanghvi has refused to sign the statement that the error occurred without deceptive intent.

Accordingly, the waiver is granted.

As such, the requirements of 37 CFR 1.48 have been met. The petition under 37 CFR 1.48 to correct inventorship is granted.

Receipt of payment of the processing fee of $130 under 1.17(i) is acknowledged. The petition fee of $400 under 37 CFR 1.183 (for each waiver) has been charged to petitioner's Deposit Account, as authorized.

The application will be examined in due course.

Telephone inquiries concerning this matter may 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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Scott D. Smiley
200 S. Andrews Avenue
Suite 100
Fort Lauderdale, FL 33020

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Brett COLTON, et al. :
Application No. 12/130,282 : ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. Colton/Patent :

This is in response to the petition under 37 CFR 1.59(b), filed August 11, 2011, to expunge information submitted under MPEP 724.05(II). This is also decision on the Request for Withdrawal As Attorney or Agent under 37 CFR 1.36(b), filed August 11, 2011.

The petition under 37 CFR 1.59(b) is **GRANTED.**

The request for withdrawal under 37 CFR 1.36(b) is **APPROVED.**

Petitioner requests that certain papers, filed August 9, 2011, be expunged from the application file. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; 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 information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues from the above-identified application.

In view of the above, the papers filed August 9, 2011 and the papers mailed August 9 and August 10, 2011 will be removed from the file.

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 Scott D. Smiley. All attorneys of customer no. 11930 have been withdrawn.

Scott D. Smiley has been withdrawn as attorney or agent of record.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

CC: Brett Colton
2221 McKinley Street
Hollywood, FL 33020

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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McCarter & English, LLP /
Abbott Laboratories Ltd.
265 Franklin Street
Boston MA 02110

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
Stuhmuller et al. :
Application No. 12/130,373 :
Filed: May 30, 2008 :
Attorney Docket No.117813-29902 :
Title: BIOMARKERS PREDICTIVE OF :
THE RESPONSIVENESS TO TNFALPHA :
INHIBITORS IN AUTOIMMUNE :
DISORDERS :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(b)," filed October 27, 2011. Applicants request that the determination of patent term adjustment be corrected from zero (0) days to thirty-six (36) days.

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 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).

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].

To the extent that applicant otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the

---

[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.

notice of allowance, the application for patent term adjustment is **DISMISSED** to the extent indicated herein.

On July 28, 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 0 days. The instant application for patent term adjustment was timely filed on October 27, 2011.

Applicants state that as intended by 35 U.S.C. § 154(b)(2)(c)(ii), the three-month date should be calculated from October 12, 2010, instead of October 9, 2010 as October 9, 2010 and October 10, 2010 fall on a weekend and October 11, 2010 falls on a federal holiday. As such the response submitted on January 10, 2011 should be calculated as 90 days, not 93 days.

Applicants' argument has been considered but determined not to be persuasive. Pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b) the 93 days is correctly calculated. The weekend/holiday exception does not apply to the period of applicant delay at issue. The Office action was mailed on July 9, 2010 with 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, October 9, 2010 ended on Saturday and the subsequent weekday October 11, 2010 was a federal holiday. However in this instance, applicants did not exercise the §21(b) weekend/holiday exception to file a timely response under §133 on the following business day. Applicant filed a response on January 10, 2011 with a three month extension of time. In other words, the reply filed January 10, 2011 was not timely filed pursuant to 35 U.S.C. §21(b). Thus the period of reduction was properly calculated as 93 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, October 10, 2010 and ending on the date the reply was filed, January 10, 2011. Accordingly, the period of reduction of 93 days will remain.

Applicants' delay prior to the mailing of the Notice of Allowance is 220 days. Office delay prior to the mailing of the Notice of Allowance is 0 days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 0 days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES 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 6, 2012

In re Application of :

Takaichiro Umeda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12130498

Filed : 30-May-2008

Attorney Docket No : 076376.1085

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 6, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2861 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12130498
Filing Date	30-May-2008
First Named Inventor	Takaichiro Umeda
Art Unit	2861
Examiner Name	RENEE WILSON
Attorney Docket Number	076376.1085
Title	LIQUID-DROPLET EJECTING APPARATUS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Brian J. Goldberg/
Name	Brian J. Goldberg
Registration Number	68761

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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

SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Chang et al.	:	DECISION ON PETITION
Application No. 12/130,536	:	TO WITHDRAW
Filed: May 30, 2008	:	FROM RECORD
Attorney Docket No. 025950-000810US	:	

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

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MAILED Paper No.
AUG 12 2011
OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Skelton et al.	:	
Application No. 12/130,550	:	DECISION ON PETITION
Filed: May 30, 2008	:	PURSUANT TO
Patent No. 7,927,385	:	37 C.F.R. § 1.28(c)
Issued: April 19, 2011	:	
Attorney Docket No.:	:	
67304(42579)	:	
Title: PROCESSING OF FINE	:	
SILICON POWDER TO PRODUCE BULK	:	
SILICON	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on July 27, 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.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $820 is acknowledged.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, VA 22033

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Patent No. 7,687,735 :
Issue Date: March 30, 2010 :
Application No. 12/130,554 : NOTICE
Filed: May 30, 2008 :
Patentee(s): Ming-Chih Chien, et. al. :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on June 23, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111207

DATE : December 07, 2012

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 8,037,824

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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& STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Application of :
Tanada, et al. :
Application No. 12/130,633 : DECISION
Filed/Deposited: 30 May, 2008 :
Attorney Docket No. 025779-013200US :

This is a decision on the petition filed on 6 December, 2010, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 23 April, 2010, with reply due absent extension of time on or before 23 May, 2010.

The application went abandoned by operation of law after midnight 23 May, 2010.

It does not appear that the Office mailed the Notice of Abandonment before the petition was filed.

On 6 December, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred non-receipt, however, Petitioner thereafter failed to provide a copy of the docket sheet for the application and a copy of the 23 May, 2010, due date calendar for Petitioner's firm and Petitioner failed to make the statements under the Rule—and so failed to follow and satisfy the guidance in the Commentary at MPEP §711.03(c)(I).

Thus, Petitioner has not completed the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

***

> 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.[1]

***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

---

[1] *See*: MPEP §711.03(c) (I)(A).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)
Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOUNTAINHEAD LAW GROUP, PC
CHAD R. WALSH
900 LAFAYETTE STREET
SUITE 301
SANTA CLARA CA 95050

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Tanada, et al. :
Application No. 12/130,633 : DECISION
Filed/Deposited: 30 May, 2008 :
Attorney Docket No. 025779-013200US :

This is a decision on the petition filed on 18 April, 2011, supplemented on 20 April, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

In his submission of 20 April, 2011, Petitioner referred to a conversation averred to have taken place with Office personnel.

Petitioner, as one registered to practice before the Office is aware that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s), and reference thereto is inappropriate.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 23 April, 2010, with reply due absent extension of time on or before 23 May, 2010.

The application went abandoned by operation of law after midnight 23 May, 2010.

It does not appear that the Office mailed the Notice of Abandonment before the petition was filed.

On 6 December, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred non-receipt, however, Petitioner thereafter failed to provide a copy of the docket sheet for the application and a copy of the 23 May, 2010, due date calendar for Petitioner's firm and Petitioner failed to make the statements under the Rule—and so failed to follow and satisfy the guidance in the Commentary at MPEP §711.03(c)(I). The petition was dismissed on 9 February, 2011.

On 18 April, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.181 and averred non-receipt—notably Petitioner again failed to follow the guidance in the Commentary at MPEP §711.03(c)(I), *inter alia*, as to the reliability of Petitioner's docketing system. Further, in his

submission of 20 April, 2011, Petitioner referred to a conversation averred to have taken place with Office personnel. Petitioner, as one registered to practice before the Office is aware that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s), and reference thereto is inappropriate. (The Office attempted to contact Petitioner on 25 May, 2011, with regard to these matters.)

Petitioner may find it beneficial to review the guidance in the Commentary at MPEP §711.03(c)(I), and move stepwise through those materials to satisfy Petitioner's showing requirements herein.

Thus, Petitioner has not completed the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

***

> 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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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.[3]

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A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[5],[6]

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[3] *See*: MPEP §711.03(c) (I)(A).

[4] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[5] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[6] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[7]

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

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unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[7] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)
Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[8] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOUNTAINHEAD LAW GROUP, PC
CHAD R. WALSH
900 LAFAYETTE STREET/SUITE 301
SANTA CLARA CA 95050

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Tanada, et al. :
Application No. 12/130,633 : DECISION
Filed/Deposited: 30 May, 2008 :
Attorney Docket No. 025779-013200US :

This is a decision on the petition filed on 7 June, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

In his submission of 7 June, 2011, Petitioner authorized fees if necessary—but failed to identify a deposit account for such an event.

As it happens, no fees were required, however, Petitioner may wish to ensure proper identification of account in other papers when filed.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 23 April, 2010, with reply due absent extension of time on or before 23 May, 2010.

The application went abandoned by operation of law after midnight 23 May, 2010.

It does not appear that the Office mailed the Notice of Abandonment before the petition was filed.

On 6 December, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred non-receipt, however, Petitioner thereafter failed to provide a copy of the docket sheet for the application and a copy of the 23 May, 2010, due date calendar for Petitioner's firm and Petitioner failed to make the statements under the Rule—and so failed to follow and satisfy the guidance in the Commentary at MPEP §711.03(c)(I). The petition was dismissed on 9 February, 2011.

On 18 April, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.181 and averred non-receipt—notably Petitioner again failed to follow the guidance in the Commentary at MPEP §711.03(c)(I), *inter alia*, as to the reliability of Petitioner's docketing system. Further, in his submission of 20 April, 2011, Petitioner referred to a conversation averred to have taken place with Office personnel. Petitioner, as one registered to practice before the Office is aware that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s), and reference thereto is inappropriate. (The Office attempted to contact Petitioner on 25 May, 2011, with regard to these matters.) The petition was dismissed on 27 May, 2011.

The Office mailed a Notice of Abandonment on 2 June, 2011.

On 7 June, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.181 and averred non-receipt—this time Petitioner appeared to follow the guidance in the Commentary at MPEP §711.03(c)(I) as to the documents and recitals/statements required for the showing, and so satisfied that showing.

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[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

***

> 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.[2]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition pursuant to 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief pursuant to the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[3]

---

[2] *See*: MPEP §711.03(c) (I)(A).

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly 37 C.F.R. §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[4],[5]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief pursuant to 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[6]

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[4] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[5] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[6] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 2 June, 2011, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2121 for further processing, to include the re-mailing of the Notice of Non-Compliant Amendment, in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[7]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[7] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 31,2011

In re Application of :

Charles Micovich

Application No : 12130713

Filed : 30-May-2008

Attorney Docket No : 0801088-001

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 31,2011

The request is **APPROVED.**

The request was signed by Mark David Torche (registration no. 45823) on behalf of all attorneys/agents associated with Customer Number 29146 . All attorneys/agents associated with Cusotmer Number 29146 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	Charles Micovich
Name2	
Address 1	4804 Dunhill Rd
Address 2	
City	Sterling Heights
State	MI
Postal Code	48310
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	12130713
Filing Date	30-May-2008
First Named Inventor	Charles Micovich
Art Unit	3715
Examiner Name	KESHA FRISBY
Attorney Docket Number	0801088-001
Title	Method for Charting Astrological Events

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 29146

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	Charles Micovich
Address	4804 Dunhill Rd
City	Sterling Heights
State	MI
Postal Code	48310
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/mark david torche/
Name	Mark David Torche
Registration Number	45823

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	12130761
Filing Date	30-May-2008
First Named Inventor	Tony Hoang
Art Unit	3694
Examiner Name	HAI TRAN
Attorney Docket Number	26454-0034
Title	WIRELESS ELECTRONIC VEHICLE WINDOW DISPLAY SYSTEM

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	/Malvern U. Griffin, III/
Name	Malvern U. Griffin, III
Registration Number	38899

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 10, 2012

In re Application of :

Tony Hoang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12130761

Filed : 30-May-2008

Attorney Docket No : 26454-0034

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 10, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3694 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **4-16-12**

TO SPE OF : ART UNIT **3993**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12130765** Patent No.: **7975739**

CofC mailroom date: 4-6-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note: _

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

[signature] **SPE**

3993 **Art Unit**

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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

KLEIN, O'NEILL & SINGH, LLP
18200 Von Karman Avenue
Suite 725
Irvine, CA 92612

In re Application of	:	
Raul Guevara	:	
Application No. 12/130,775	:	DECISION ON PETITION
Filed: May 30, 2008	:	TO WITHDRAW
Attorney Docket No. 1258-002.101	:	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 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Howard J. Klein 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 Raul Guevara at the address indicated below.

There is an outstanding Office action mailed May 12, 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: **Raul Guevara**
732 Harding Avenue
Monterey Park, CA 91754

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/130,775	05/30/2008	Raul Guevara	1258-002.101

CONFIRMATION NO. 4581

POWER OF ATTORNEY NOTICE

22145
KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE, CA 92612

Date Mailed: 09/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/130,778	05/30/2008	Yong Ho Seok	2101-3504	4584

35884 7590 12/01/2010

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
YAO, KWANG BIN	

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
12/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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DEC 01 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: SEOK, YONG HO.
Application No. 12130778
Filed: May 30, 2008
For: SCANNING PROCEDURE IN WIRELESS LAN, STATION SUPPORTING THE SAME, AND FRAME FORMAT THEREFOR

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 October 4, 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 KIPO, 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 KIPO, 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 KIPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO 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 KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
b. An English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126. 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.

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/130,818	05/30/2008	Roland BUELOW	189312/US/3	4664

28381 7590 11/30/2010

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

EXAMINER	
WILSON, MICHAEL C	

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
11/30/2010	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):

IP.Docketing@aporter.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 30 2010

Todd A. Lorenz
Arnold & Porter LLP
275 Battery Street, Suite 2700
San Francisco, CA 94111

In re Application of: BUELOW, Roland
Serial No: 12/130,818
Filed: May 30, 2008
Attorney Docket No: 189312/US/3
Title: Compositions And Methods For Inhibiting Endogenous Immunoglobulin Genes And Producing Transgenic Human Idiotype Antibodies

DECISION ON PETITION

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on September 2, 2010.

BACKGROUND

Applicant filed a claim set on May 30, 2008 which was subject to a restriction requirement on March 25, 2010.

In the restriction requirement of March 25, 2010, the examiner presented eight groups. The petition is on Groups I to III.

Group I. Claims 1-13, drawn to a method of making a viable germ cell having at least one inactivated endogenous Ig gene comprising: expressing at least one meganuclease in a germ cell, fertilized oocyte or embryo, class 800, subclass 21.

Group II. Claim 14, drawn to a germ cell having at least one inactivated endogenous Ig locus, classified in various classes and subclasses.

Group III. Claims 15-23, drawn to a transgenic animal, classified in class 800, subclass 8.

The examiner stated "Inventions I and II are related as process of making and product made. The inventions are distinct if either or both the following can be shown: (1)that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process. In the instant case

the germ cell can occur naturally and does not have to be made using genetic manipulation. Groups II and III are patently distinct because germ cell can be used for fertilization while the transgenic may be a model of disease. The protocols and reagents for germ cells are materially distinct and separate from those required to make and use transgenics. The tansgenics can be made using a method other than a method that requires the germ cells." Examiner also stated there is serious search burden.

On May 20, 2010, applicants provisionally elected, with traverse, Group II drawn to a germ cell having at least one inactivated endogenous Ig locus. Applicants also amended claim 14 to recite a viable germ cell having at least one inactivated endogenous Ig locus produced by mutation, as effected by the action of at least one meganuclease. Applicants also added claims 35-40, depending from claim 14, to recite additional embodiments considered part of the invention. Applicants traversed on the ground that no severe burden would be placed on the examiner if the claims of Group III, drawn to a transgenic animal and encompassed by claims 15-23 were also examined, since each of claims 15-23 as amended, related to a germ cell having at least one inactivated endogenous Ig locus produced by mutation.

On July 29, 2010, a non-final Office action was mailed. Examiner acknowledged the election and maintained the restriction, stating "art rejections that apply to the viable germ cell in Group II may not apply to the transgenics of Group III."

On September 2, 2010, the present petition was filed requesting withdrawal of the restriction requirement between germ cells having at least one inactivated endogenous Ig locus and transgenic animals comprising such germ cells. Applicants also request reconsideration of the patentability of the full scope of the pending claims. Applicants also urge that the restriction requirement effectively denies Applicants their statutory right to examination of what they regard as their invention, and is entirely inconsistent with the unity of invention already applied to this case by the European Patent Office.

DISCUSSION

Prosecution history and petition have been carefully reviewed. Instant application is filed under 37 CFR 1.53(b), there is no relationship with PCT as alleged. Thus, this application follows US restriction practice and there is no inconsistent with unity of invention.

Applicants urged that the Office ahs failed to demonstrate that the germ having at least one inactivated endogenous Ig locus as claimed and transgenic animals derived from such germ cells as claimed are either independent or distinct from each other. Applicants also urged that the examiner's assertion that the claimed germ cells and transgenic animals have different utility is completely inapposite as to whether the two are patentably distinct. Applicants urged that this analysis only make restriction proper where a combination as claimed doesn't require the details of subcombination as claimed.

Applicants further argued that the Office has not demonstrated that an undue burden is required to search and/or examine applicant's claimed invention.

MPEP 806.05(a)states:

I. SUBCOMBINATION ESSENTIAL TO COMBINATION

ABsp/Bsp No Restriction

*Where a combination as claimed **> requires< the details of *>a< subcombination as separately claimed, there is >usually< no evidence that combination ABsp is patentable without the details of Bsp. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. This situation can be diagrammed as combination ABsp ("sp" is an abbreviation for "specific"), and subcombination Bsp. Thus the specific characteristics required by the subcombination claim Bsp are also required by the combination claim. >See MPEP § 806.05(d) for situations where two or more subcombinations are separately claimed.<*

In the instant case, examiner failed to meet the two way test. Thus, restriction between Groups II and III is improper.

Applicants request that upon allowance of product claims reading on said transgenic animals, rejoinder of withdrawn claims 1-2, 4-5, 7, 10-13 and 24-35 is noted and will be considered upon allowance of the product claims.

DECISION

The petition is **GRANTED** for the reasons set forth above.

This application is being forwarded to examiner for further action consistent with the decision after mailing of this decision. Claims 14-23 and 35-40 are under examination.

Should there be any questions about this decision, please contact Supervisory Patent Examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Jacqueline Stone
Director, Technology Center 1600

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ALSTON & BIRD LLP
SYNGENTA
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Kenneth A. Dallmier, et al.
Application No. 12/130,829
Filed: May 30, 2008
Attorney Docket No. 052508/343076

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 19, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

The request cannot be approved because practitioners did not provide the correct customer number that was used in the appointment. Practitioner must withdraw using the same customer number used in the appointment for representation.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SYNGENTA BIOTECHNOLOGY, INC.
PO BOX 12257
RESEARCH TRIANGLE PARK, NC 27709-2257

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CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON DE 19899

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Amit Govil et al.	:	
Application No. 12/130,920	:	DECISION ON PETITION
Filed: May 30, 2008	:	TO WITHDRAW
Attorney Docket No. 70303-00003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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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.
12/130,954	05/30/2008	Michael D. Novack	23681-002001	4902

26161 7590 06/24/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
KIRLIN, AMANDA C.	
ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
06/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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JUN 2 3 2011

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
MICHAEL NOVACK	:	DECISION ON PETITION
Application No.: 12/130,954	:	TO WITHDRAW THE
Filed: May 30, 2008	:	RESTRICTION REQUIREMENT
For: CANDIDATE RECRUITING	:	UNDER 37 CFR 1.144

This is in response to applicant's petition under 37 CFR 1.144 filed January 25, 2011 requesting withdrawal of the restriction requirements mailed on January 22, 2010 and made final on November 15, 2010.

The petition is **DENIED**.

Applicant argues in the petition that the restriction requirement was improper in that all of the Groups I-VI should be rejoined and examined based upon 1) the examiner's alleged failure to properly establish that the each group is independent and distinct from the others; 2) all of the claims can be examined without serious burden because all six groups are classified in class 705 and the first five groups are classified in the same subclass, and the search for claims of elected Group I would likely yield references relevant to the other groups.

A review of the record reveals that a restriction requirement was mailed on January 22, 2010 between Group I of claims 1-5, 32-35 and 38-40 drawn to methods and a system for recruiting candidates based on traits possessed by a candidate; Group II of claims 6-10 drawn to a method for recruiting candidates based on candidates' interests; Group III of claims 11-15 drawn to a method for recruiting candidates based on user profiles; Group IV of claims 16-23 drawn to a method for determining the score and information from a third party; Group V of claims 24-31 drawn to a method of recruiting candidates from an online system where candidates are ranked according to qualification for a career role; and Group VI of claims 36-37 drawn to a method of recruiting candidates by generating statistical information from candidates' profile data to form a direct marketing list. The examiner indicated that between Groups I - VI are related as subcombinations usable together in a single combination. The examiner determined that each subcombination, as claimed, did not overlap in scope and were not obvious variants of each other. The examiner took the position that the groups are independent or patentably distinct each from the other because each Group (identified as "subcombination") has a separate utility. See items 4 and 5 on pages 3-4 of the restriction requirement. The examiner also determined that serious search and examination burden would exist if the restriction was not required. The

examiner pointed, specifically, to the inventions' separate status in the art in view of their divergent subject matter as justification of this determination. See items 3 and 7 of the restriction requirement. In a response filed on February 19, 2010 to the restriction requirement the applicant elected Group I with traverse. Applicant traversed the restriction requirement on the grounds that the examiner has not shown that the inventions are independent and distinct, failed to show serious burden if restriction is not required since the search in the same class and subclass of the elected claims would reveal subject matter relevant to the remaining claims in the application.

A non-final Office action was mailed on May 6, 2010 in which the examiner rejected the elected claims 1-5, 32-35 and 38-40 on various grounds. The examiner also responded to the arguments presented in applicant's traversal and maintained the restriction requirement. In a reply filed on October 6, 2010 applicant amended claims 1 and 38, argued the rejections and the restriction requirement. In the final Office action mailed on November 15, 2010, the examiner acknowledged the election and applicant's traversal of the requirement, withdrew claims 6-31, 36 and 37 as being drawn to a non-elected inventions, and made the restriction requirement final. The examiner repeated her previous response to the applicant's traversal grounds and maintained that the claims cannot be examined without undue burden because of a different search strategy would be used to search for prior art for each set of independent claims. The examiner indicates that she would have to perform six separate search strings, one for each of the Groups in addition to searching class 705, subclass 1 and other related classes/subclasses. The examiner further explained that each group has separate utility from the others and they are not required to be usable together. See page 13 of the final Office action. On January 25, 2011 applicant filed an amendment after final and this petition to withdraw the restriction requirement.

> MPEP 806.05(d) states that *"Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually distinct from each other."*

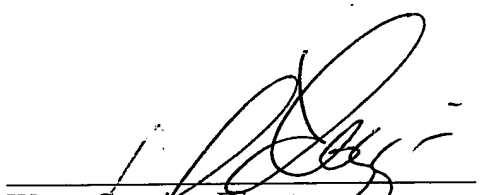
Regarding applicant's argument with respect to showing the inventions are independent and distinct, it is noted that since the examiner shows a separate utility for each group as seen on pages 3 and 4 of the restriction requirement: "*Subcombination II has separate utility such as determining a student's competency of a subject on an exam based on a template scorecard; subcombination III has separate utility such as filtering and sorting performance data in a car-crash testing environment, based upon a list of criteria met and scores received; subcombination IV has separate utility such as delivering revenue for advertising services received; subcombination V has separate utility such as accessing a list of contacts in a socially networking system and ranking them according to user specified criteria such as income, marital status, etc.; subcombination VI has separate utility such as targeted advertising, based upon statistics generated from market survey data.*" The examiner has clearly shown distinctness in accordance with MPEP 806.05(d). Accordingly, applicant's argument with respect to distinct inventions is not viewed as being persuasive.

> MPEP 803 states that *"serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02."*

Regarding applicant's argument that all of the claims can be examined without serious burden because all six groups are classified in class 705 and the first five groups are classified in the same subclass, it is noted that in the response to the traversal in the final Office action mailed on November 15, 2010, the examiner indicated that "*the claims cannot be examined without undue burden because a different search strategy would be used to search for prior art for each set of independent claims.*" The examiner further explained that she would have to perform six separate search strings, for example, one for filtering data according to scores for Group III, one for deriving revenue from a third party in exchange for a service for Group IV, one for ranking according to qualifications for Group V, and one for generating statistical information and marketing lists for Group VI, etc. The examiner also demonstrated that searching is a burden because class 705, subclass 1 in itself has over 8,000 patents and PG publications, and there are related classes and subclasses which would also need to be considered. See page 13 of the November 15, 2010 Office action. The examiner's response has clearly demonstrated "a serious burden" to examine all of the claims through a showing of a different field of search for each group in accordance with MPEP 803. The fact that Groups I-V classified in the same area of 705/1 only shows that the subject maters of Groups I-V are related and meet the definitions of class 705, subclass 1. The classification of class 705, subclass 1 does not mean the search for each group is the same. It is also noted that applicant has not provided any evidence that the search for Group I is applicable to other Groups. As the examiner's search notes were made of record, applicant has yet to utilize the search information to demonstrate how the search for Group I can be applied to other Groups. Therefore, applicant's general conclusion of "no burden" is not found persuasive.

Inasmuch as none of the arguments advanced by applicant have been viewed as being persuasive in showing that the examiner erred in requiring election between Groups I-VI, the final restriction requirement is maintained. Examination of such Group I claims will continue, and Groups II-VI claims remains withdrawn from prosecution.

Any question concerning this decision should be referred to Quality Assurance Specialist Lanna Mai on (571) 272-6867.



Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

lm: 6/15/2011

LM

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	12131009
Filing Date	30-May-2008
First Named Inventor	Philip Wiser
Art Unit	2425
Examiner Name	JEAN SAINT CYR
Attorney Docket Number	361912.05029 (09-026-US)
Title	PROGRAMMING CONTENT RECONSTRUCTION IN A CONTENT DELIVERY SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 84666

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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	Sezmi Corporation
Address	1301 Shoreway Road Suite 310
City	Belmont
State	CA
Postal Code	94002
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Marc S. Kaufman/
Name	Marc S. Kaufman
Registration Number	35212

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 6, 2012

In re Application of :

Philip Wiser

Application No : 12131009

Filed : 30-May-2008

Attorney Docket No : 361912.05029 (09-026-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 February 6, 2012

The request is **APPROVED.**

The request was signed by Marc S. Kaufman (registration no. 35212) on behalf of all attorneys/agents associated with Customer Number 84666 . All attorneys/agents associated with Cusotmer Number 84666 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Sezmi Corporation
Name2	
Address 1	1301 Shoreway Road
Address 2	Suite 310
City	Belmont
State	CA
Postal Code	94002
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE, LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Vineet Verma, et. al. :
Application No. 12/131,028 : DECISION ON PETITION
Filed: May 30, 2008 : TO WITHDRAW FROM
Attorney Docket No. 43390-8050.US01 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed January 27, 2011.

The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked by the assignee of the above application on January 25, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record 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

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: 81176818	Application Number (if known): 12131059	Filing date: May 31, 2008
First Named Inventor: Aric David Shaffer		
Title: VEHICLE AUDIO SYSTEM HAVING PORTABLE POWERED SPEAKER FOR CONNECTING A PORTABLE ENTERTAINMENT DEVICE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David S. Bir/	Date 03-03-2011
Name (Print/Typed) David S. Bir	Registration Number 38383

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ARIC DAVID SHAFFER

Group Art Unit: 2614

Examiner: Vivian C. Chin

Serial No.: 12/131,059

Filed: May 31, 2008

For: VEHICLE AUDIO SYSTEM HAVING PORTABLE POWERED SPEAKER FOR CONNECTING A PORTABLE ENTERTAINMENT DEVICE

Attorney Docket No.: 81176818 (FMC 2712 PUS)

STATEMENT SUPPORTING ELIGBILITY REQUIREMENT OF THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources.

As explained in the specification, a vehicle audio system includes an interior trim panel having an opening with a speaker module removably secured therein and including a speaker electrically connected to the vehicle audio system when positioned within the opening, the speaker module including an interface for receiving an audio signal from a linked portable electronic device and playing the audio signal through the speaker when the speaker module is

removed from the interior trim panel opening and electrically disconnected from the vehicle audio system.

In one embodiment, the speaker module includes an energy storage device and a generator connected to the energy storage device for generating power when the speaker module is removed from the vehicle. The energy storage device may be implemented by a capacitor or a rechargeable battery with the generator implemented by a solar cell, dynamo, or Faraday induction device, for example. Various embodiments provide for recharging of the portable electronic device through the associated interface using vehicle power when the speaker module is installed in the interior trim panel and using the energy storage device and/or generator when the speaker module is removed from the interior trim panel. The speaker module may also include one or more auxiliary power ports for charging other accessories when connected and/or disconnected from the vehicle.

Various embodiments of the claimed invention provide a removable vehicle speaker that is powered by an alternative energy source, such as a solar cell, dynamo, Faraday induction device, etc. As such, the claimed invention materially contributes to conservation of energy resources.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of $300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

ARIC DAVID SHAFFER

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 3, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,059	05/31/2008	Aric David Shaffer	81176818	5092

46535 7590 03/21/2011
BROOKS KUSHMAN P.C./FGTL/DSB
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

EXAMINER	
CHIN, VIVIAN C	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/21/2011	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
Alexandria, VA 22313-1450
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PATENT PROSECUTION
O2MIRCO , INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

In re Application of	:	
SHAFFER, ARIC DAVID et al	:	DECISION ON PETITION
Application No. 12/131,059	:	TO MAKE SPECIAL UNDER
Filed: May 31, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **81176818**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 07, 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 Wellington Chin at 571-272-3134.

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

/Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600

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.
12/131,269	06/02/2008	GORDON W. SMITH	50X9367.01	5500

36738 7590 06/13/2011

ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER	
SMITH, NKEISHA	
ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 13 2011

ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

In re Application of Gordon W. Smith	:	DECISION ON PETITION
Appl. No. 12/131,269	:	TO WITHDRAW
Filed: June 2, 2008	:	RESTRICTION REQUIREMENT
For: Flat Panel TV Stand Providing Floating Appearance	:	UNDER 37 CFR 1.144

This is a supplemental decision on applicant's petition under 37 CFR 1.144 filed on February 25, 2010 to withdraw the requirement for restriction made in the Office action mailed on December 17, 2009. Due to an oversight, the decision was mailed on July 26, 2010 without a signature. This document supplies the missing signature. There is no change in the decision.

The petition is **GRANTED.**

A review of the record indicates that the examiner sent out a non-final rejection on February 26, 2009 making a rejection of claims 1-20 under 35 U.S.C. 112, second paragraph as being indefinite because there was an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. First, examiner states that "the preamble in claim 1 clearly indicates that a subcombination is being claimed ..." Subsequently in the rejection, examiner states "[i]n formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly." Therefore, there was confusion as to how the examiner construed the claims.

Prosecution continued until applicant sent in an amendment on September 8, 2009 that removed the claim language "configured to hold the TV" and positively claimed in the body of the claim that the upright support held the TV juxtaposed with the translucent frame. On December 17, 2009, the examiner sent out a final Office action including a restriction stating that "[n]ewly submitted claims 1 and 16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claims are drawn to the combination stand and TV, where the TV was not originally a positively-claimed limitation set fort in the previous set of claims." Applicant then submitted an after-final amendment on January 12, 2010, which argued that "[o]n page 3 of the first Office action (dated February 26, 2009) regarding all of the independent claims, the examiner declared for the written record that "[t]he examiner cannot be sure if applicant's intent is to claim merely

the stand alone or the stand in combination with the display . . . the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly"". The examiner sent out an advisory action on February 25, 2010 making the restriction final.

Applicant contends that the restriction requirement removing claims 1 and 16 from consideration for positively reciting the TV as being "independent or distinct from the invention originally claimed" is improper. First, applicant argues that the examiner declared for the written record that "[t]he examiner cannot be sure if applicant's intent is to claim merely the stand along or the stand in combination with the display . . . the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly". Additionally, applicant argues that independent claim 8 was amended to positively require both a display and a stand, which examiner examined on the merits.

The restriction requirement is improper unless it can be shown that the combination claims do not require the particulars of the subcombination as claimed for patentability. See MPEP §806.05 (c). A review of the claims indicates that all the amended claims directed to the combination of the stand and TV display (the combination) includes all the elements of the stand (the subcombination). Therefore, the combination claims (stand and TV display) do require the particulars of the subcombination claims (stand for holding a TV display) for patentability, thus the requirement for restriction is improper.

In view of the findings noted above, the restriction requirement with regards to claims 1 and 16 is vacated and the above-noted withdrawn claims are reinstated. The Office action dated July 15, 2010 is hereby withdrawn. The application will be returned to the examiner for consideration of the claims set forth in applicant's response received on February 26, 2010.

SUMMARY: The Petition is **GRANTED.**

Any questions regarding this decision should be directed to J. Allen Shriver at (571) 272-6698.

Katherine Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

jas/lm : 07/12/2010

LM

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Bratu et al.	:	
Application No. 12/131,309	:	DECISION ON PETITION
Filed: June 2, 2008	:	
Attorney Docket No. 041-0126	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 10, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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 inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3691 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Stephen T. Neal
Prass, LLP
2661 Riva Road, Bldg 1000, #1044
Annapolis, MD 21401

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.
12/131,354	06/02/2008	Steve J. Plehn	65104A US	5675

25212 7590 02/23/2011
DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS, IN 46268

EXAMINER	
IBRAHIM, MEDINA AHMED	
ART UNIT	**PAPER NUMBER**
1638	

NOTIFICATION DATE	DELIVERY MODE
02/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

fagdock@dow.com

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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FEB 2 3 2011

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Plehn, et al.
Serial No.: 12/131,354
Filed: June 2, 2008
Attorney Docket No.: **65104A US**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 25, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Declaration Under 37 C.F.R. § 1.132 submitted to the Patent Office 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
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YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of
Marc Eliot Davis et al.
Application No. 12/131,447
Filed: June 2, 2008
Attorney Docket No: 85804.093201

ON PETITION

This is a decision on the petition, filed January 13, 2011 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned January 6, 2011 for failure to pay the issue fee in response to the Notice of Allowance mailed on October 5, 2010. Accordingly, the Notice of Abandonment was mailed on January 25, 2011, after the filing of the instant petition.

The issue fee in the amount of $1510.00, publication fee in the amount of $300 and the petition fee in the amount of $1620 have been applied.

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
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,480	06/02/2008	Ahmadreza (Reza) Rofougaran	BP7156	5903

51472 7590 03/31/2011

GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

EXAMINER	
LARSEN, CARL	

ART UNIT	PAPER NUMBER
3716	

NOTIFICATION DATE	DELIVERY MODE
03/31/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MMURDOCK@TEXASPATENTS.COM
GHMDocketing@cpaglobal.com
ghmptocor@texaspatents.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12131480	6/2/2008	ROFOUGARAN ET AL.	BP7156

GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

EXAMINER	
CARL V. LARSEN	
ART UNIT	**PAPER**
3716	20110329

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. In view of the papers filed 02/27/2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of inventors Nambirajan Seshadri, Brima B. Ibrahim, John Walley, and Jeyhan Karaoguz.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

/C. V. L./
Examiner, Art Unit 3716

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of :
Fergus A. LEEN et al. : ON PETITION
Application No. 12/131,516 :
Filed: June 2, 2008 :
Atty. Docket No.: 01-6283-C1 (069547.0282)

This is in response to the petition under 37 CFR 1.137(b), filed July 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed March 18, 2011, which required a reply on or before June 20, 2011. The application became abandoned on June 21, 2011. A Notice of Abandonment was mailed July 11, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice of Allowance and Fee(s) Due, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management.

/Ramesh Krishnamurthy/

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,522	06/02/2008	Ahmadreza (Reza) Rofougaran	BP7157	5983

51472 7590 04/04/2011

GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

EXAMINER	
WEATHERFORD, SYVILA	

ART UNIT	PAPER NUMBER
3717	

NOTIFICATION DATE	DELIVERY MODE
04/04/2011	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):

MMURDOCK@TEXASPATENTS.COM
GHMDocketing@cpaglobal.com
ghmptocor@texaspatents.com

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12131522	6/2/2008	ROFOUGARAN ET AL.	BP7157

GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

EXAMINER
SYVILA WEATHERFORD

ART UNIT	PAPER
3717	20110330

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In view of the papers filed February 27, 2009, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). the inventorship of this application has been changed by adding the following names:

Nambirajan Seshadri
Brima B. Ibrahim
John Walley, and
Jeyhan Karaoguz.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717

/S. W./
Examiner, Art Unit 3717

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110405

DATE : April 5, 2011

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,848,197

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: /Craig A. Renner/ **Art Unit** 2627

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
AUG 09 2011
OFFICE OF PETITIONS

LAW OFFICE OF DAVID H. JUDSON
15950 DALLAS PARKWAY
SUITE 225
DALLAS TX 75248

In re Application of :
SARLAY, et al :
Application No. 12/131,588 : ON PETITION
Filed: June 2, 2008 :
Attorney Docket No. 1/12-US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 24, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 25, 2011. A Notice of Abandonment was mailed April 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

The Terminal Disclaimer filed with the petition on July 7, 2011, has been acknowledged and will be processed by the Technology Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3624 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,597	06/02/2008	Mark Dickelman	USBC.008PA	6130

40581 7590 04/02/2012

CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL, MN 55120

EXAMINER	
OJIAKU, CHIKAODINAKA	
ART UNIT	**PAPER NUMBER**
3694	
MAIL DATE	**DELIVERY MODE**
04/02/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR - 2 2012

March 20, 2012

Crawford Maunu PLLC
1150 Northland Drive, Suite 100
St. Paul, MN 55120

In re Application of: Dickleman, Mark :
Application No. 12/131,597 :
Filed: June 2, 2008 :
For: COMPUTER AUTOMATED SYSTEMS, DEVICES AND METHODS FOR DATA PROCESSING OF ACCOUNTING RECORDS :

DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR 1.181

This is in response to the petition filed on January 19, 2011 under 37 CFR 1.181 requesting withdrawal of the finality of the Office action mailed on November 19, 2010, as being premature.

Applicant alleges that the Final rejection mailed on November 19, 2010 was premature as it contained new grounds of rejection that were not necessitated by the amendments. In accordance with the guidelines of MPEP 706.07(a) the applicant alleges that the grounds for rejection under 35 U.S.C. § 112(2) is new and is based upon claim language that was present in the original claims. applicant states the § 112(2) rejection is based upon an assertion that the claims do not state "who, where or what does the identifying of a plurality of buyer accounts". This rejection was argued as not necessitated by amendment because the originally-filed claims included limitations directed toward "identifying a plurality of buyer accounts", and also not based upon information from an Information Disclosure Statement (IDS). The rejection represents new grounds because the examiner has not previously presented any § 112(2) rejection that is based upon these limitations and the associated argument.

A review of the file reveals that subsequent to the filing of the petition, received on January 19, 2011, prosecution was re-opened and a new non-final Office action was mailed on March 16, 2011.

Therefore since the Examiner has already reopened prosecution and issued a new Office action, applicant's arguments as to the premature finality are considered moot.

The petition is **DISMISSED as MOOT**.

Telephone inquiries should be directed to Kambiz Abdi, Supervisory Patent Examiner, at (571) 272-6702

Greg Vidovich, Director
Patent Technology Center 3600
(571) 272-5350

Ka/snm: 3/20/12

SM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

BLAKE, CASSELS & GRAYDON LLP
BOX 25, COMMERCE COURT WEST
199 BAY STREET, SUITE 4000
TORONTO ON
M5L 1A9
CANADA

MAILED
OCT 26 2011
OFFICE OF PETITIONS

In re Application of :
Richard Goulet : DECISION ON
Application No. 12/131,683 : PETITION
Filed: June 2, 2008 :
Attorney Docket No.67755/00014:

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, 2011.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a timely and proper reply to the final Office action mailed March 21, 2011. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. A reply was filed on September 21, 2011. However, it was determined not to be proper (See Advisory Action mailed September 30, 2011). No proper reply having been received and no further extension of time obtainable the application became abandoned effective September 22, 2011. A courtesy Notice of Abandonment was mailed on October 5, 2011.

On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of a previously submitted response)(and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 3754 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE (including previously submitted response) submitted on petition filed October 19, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Aug-10

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:
Pisczak, Wilson, and Wertz	: DECISION ACCORDING STATUS
Application Number: 12/131684	: UNDER 37 CFR 1.47(a)
Filing Date: 06/02/2008	:
Attorney Docket Number: 24685-440	:

This is a decision in response to the renewed petition under 37 CFR 1.47(a), filed on June 23, 2010.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent to the last known address of the non-signing inventor, and that a return receipt postcard acknowledging receipt of the application papers was received. The non-signing inventor, Karen Wertz, failed, however, to sign and return the declaration naming her as a joint inventor along with Philip J. Pisczak and Rick Wilson.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address referenced above and listed in the Declaration. Notice

of the filing of this application will also be published in the *Official Gazette*.

The petition fee has been received. No further fees are due.

The application is being referred to Technology Center Art Unit 3723 for further processing.

Telephone inquiries related to this decision should 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
DIW Aug-10

Karen Wertz
2007 King Drive
Stow, OH 44224

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Pisczak et al.
Application No. 12/131,684
Filed: June 2, 2008
For: STRIPPER FOR ROUND SHEATHED CABLE

Dear Ms. Wertz:

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 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 17 2011

OFFICE OF PETITIONS

Freescale Semiconductor, Inc.
Law Department
7700 West Parmer Lane MD:TX32/PL02
Austin, Texas 78729

In re Application of	:	
Norman Lee OWENS	:	DECISION GRANTING PETITION
Application No. 12/131,691	:	UNDER 37 CFR 1.137(b)
Filed: 2 June 2008	:	
Atty. Docket No.: SC09069T C04	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 7 January 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the final Office action mailed 11 June 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on 12 September 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), previously filed 10 September 2010, RCE fee, and a submission under 37 CFR 1.114, (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPTO2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110.00 extension of time fee submitted with the

petition on 7 January 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

There is no indication that the person signing the instant Petition was given a power of attorney or authorization of agent to prosecute the Application. Further, it is not apparent whether the signer of the Petition was in a position to have firsthand 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 the delay. *See,* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (10 October 1997), 1203 Off. Gaz. Pat. Office 63, 103 (21 October 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.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center Art Unit 3729 for further action on the filed Response.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,697	06/02/2008	Tobin J. Marks	10063	6330

7590 01/04/2011

REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA KASULKE, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

EXAMINER	
PRENTY, MARK V	

ART UNIT	PAPER NUMBER
2822	

NOTIFICATION DATE	DELIVERY MODE
01/04/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 30, 2010

REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA KASULKE, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE WI 53202

In re Application of	:	
Tobin J. Marks, et al	:	**DECISION ON PETITION**
Application No. 12131697	:	
Filed: 6/02/08	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **10063**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 2, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110131

DATE : January 31, 2011

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction on Patent No.: 7,848,896

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:

All changes apply except for the change on column 5, line 65, since the description of column 5, line 65 in the patent (US 7,848,896) is currently correct and does not require correction.

/MN/ 1-31-2011

/ELISEO RAMOS FELICIANO/
Supervisory Patent Examiner.Art Unit 2857

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.
12/131,738	06/02/2008	Yu-Chih Lin	10122601	6406

7590 04/22/2011

QUINTERO LAW OFFICE, PC
615 Hampton Dr, Suite A202
Venice, CA 90291

EXAMINER	
LEWIS, BEN	

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : December 7, 2011

In re Application of :

Sydney Warren

Application No : 12131746

Filed : 02-Jun-2008

Attorney Docket No : 5027-0001

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 December 7, 2011

The request is **APPROVED.**

The request was signed by Steven R. Hansen (registration no. 39214) on behalf of all attorneys/agents associated with Customer Number 90363 . All attorneys/agents associated with Cusotmer Number 90363 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 Sydney Warren

Name2

Address 1 12525 Pacific Avenue, # 3

Address 2

City Los Angeles

State CA

Postal Code 90066

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	12131746
Filing Date	02-Jun-2008
First Named Inventor	Sydney Warren
Art Unit	3771
Examiner Name	KRISTEN MATTER
Attorney Docket Number	5027-0001
Title	PERSONAL OXYGEN AND AIR DELIVERY SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 90363

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

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	Sydney Warren
Address	12525 Pacific Avenue, # 3
City	Los Angeles
State	CA
Postal Code	90066

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Steven R. Hansen/
Name	Steven R. Hansen
Registration Number	39214

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DAVIS WRIGHT TREMAINE LLP/LOS ANGELES
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Nabil NAJJAR, et al :
Application No. 12/131,769 : DECISION ON PETITION
Filed: June 2, 2008 : TO WITHDRAW
Attorney Docket No. 86982-006US0 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 8, 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 Seth D. Levy does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: NABIL JAJJAR AND STEVE SAX
1451 THIRD STREET
MANHATTAN BEACH CA 90266

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/131,824	06/02/2008	Roy Shkedi	14-TV8	6550

26362 7590 09/29/2010

LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix, AZ 85028

EXAMINER	
KOENIG, ANDREW Y	

ART UNIT	PAPER NUMBER
2423	

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):

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.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

Jouis J. Hoffman, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix AZ 85028

In re Application of: Roy Shkedi
Application No. 12/131,824
Filed: June 02, 2008
For: **TARGETED TELEVISION ADVERTISEMENTS SELECTED ON THE BASIS OF AN ONLINE USER PROFILE AND PRESENTED WITH TELEVISION PROGRAMS OR CHANNELS RELATED TO THAT PROFILE**

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 PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 28, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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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Commissioner for Patents
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P.O. Box 1450
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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of :
Manuel P. Pinto :
Application No. 12/131,829 :
Filed: June 2, 2008 :
Attorney Docket No. PINT.P101USB :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 30, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There is an outstanding Final Office action mailed May 20, 2010, that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 17 2010

OFFICE OF PETITIONS

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of :
Manuel P. Pinto :
Application No. 12/131,829 :
Filed: June 2, 2008 :
Attorney Docket No. PINT.P101USB :

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 August 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Warren A. Sklar on behalf of the practitioners of record associated with Customer No 23908.

Customer No 23908 has been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed May 20, 2010 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MANUEL PINTO
60 LINDA COURT
DANVILLE, CA 94526

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/131,829	06/02/2008	Manuel P. Pinto	PINT.P101USB

CONFIRMATION NO. 6559

POWER OF ATTORNEY NOTICE

23908
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

Date Mailed: 09/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/25/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
GRANDHII :
Application No. 12/131,856 : DECISION ON PETITION
Filed: June 2, 2008 : TO WITHDRAW
Attorney Docket No. 35084-501001US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 15, 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 James P. Clearly, Esq. on behalf of the attorneys of record associated with Customer No. 64046.

The attorneys of record associated with Customer No. 64046 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SUMAN GRANDHI
20 PALATINE, APT. 340
IRVINE CA 92612

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
12/131,856	06/02/2008	Suman Grandhi	35084-501001US

CONFIRMATION NO. 6615

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

POWER OF ATTORNEY NOTICE

Date Mailed: 09/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2011.

- 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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of
Gary Casey, et al.
Application No. 12/131,879
Filed: June 2, 2008
Attorney Docket No. 028242-008800US

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 12, 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 David A. Hall on behalf of all attorneys of record who are associated with customer No. 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 is an outstanding Office action mailed May 24, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: CUSTOM SENSORS AND TECHNOLOGIES, INC.
14401 PRINCETON AVENUE
MOORPARK, CA 93021

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/131,879	06/02/2008	Gary Casey	028242-008800US

CONFIRMATION NO. 6653

POWER OF ATTORNEY NOTICE

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 08/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/12/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111**

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
GRANDHI	:	
Application No. 12/131,880	:	DECISION ON PETITION
Filed: June 2, 2008	:	TO WITHDRAW
Attorney Docket No. 35084-502001US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 15, 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 James P. Clearly, Esq. on behalf of the attorneys of record associated with Customer No. 64046.

The attorneys of record associated with Customer No. 64046 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SUMAN GRANDHI
20 PALATINE, APT. 340
IRVINE CA 92612

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/131,880	06/02/2008	Suman Grandhi	35084-502001US

CONFIRMATION NO. 6654

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

POWER OF ATTORNEY NOTICE

OC000000050077697

Date Mailed: 09/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2011.

- 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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Dr. Michael Sasha John
Angel-Medical Systems
1163 Shrewsbury Avenue
Shrewsbury NJ 07702

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Michael Sasha John :
Application No. 12/131,886 : DECISION ON PETITION
Filed: June 2, 2008 :
Attorney Docket No. :

This is a decision on the petition, filed November 8, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed July 15, 2011, which set a period of reply of two (2) months or the time remaining from the Notice of Allowance and Fee(s) Due, whichever is longer. A Notice of Abandonment was mailed on September 29, 2011.

Petitioner asserts that the Notice dated July 15, 2011, was not received.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner contends that the Notice of July 15, 2011, was never received. Petitioner states that "five post-allowance amendments were made, mainly in order to make small corrections to the specification, drawing, and claims, such as removing errors of antecedent basis. Neither the Examiner nor the Applicant were aware of the Notice and therefore did not amend the case in accordance with the Notice with any of the filed amendments."

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

(1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the

record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for consideration on the reply submitted with the instant petition.

/ 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
www.uspto.gov

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Deighton E. Brunson	:	
Application No. 12/131,893	:	DECISION ON PETITION
Filed: June 2, 2008	:	
Attorney Docket No. 70028040-0021	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 21, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 22, 2010. The Notice of Abandonment was mailed October 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 $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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2841 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: **Bryan P. Stanley**
KUTAK ROCK LLP
1010 Grand Boulevard, Suite 500
Kansas City, MO 64106

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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LAW OFFICE OF L. JACK GIBNEY
8777 SAN JOSE BLVD.
SUITE 502
JACKSONVILLE FL 32217

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of
Richard A. Rutherford Jr. et al.
Application No. 12/131,945
Filed: June 3, 2008
Attorney Docket No. 07-288-PTU-INT

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed December 10, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned July 2, 2010 for failure to timely file a reply to the final Office action mailed April 1, 2010. Accordingly, a Notice of Abandonment was mailed November 1, 2010.

---

[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)).

The petition does not satisfy requirement (1) above.

The application became abandoned for failure to file a response within the meaning of 37 CFR 1.113 to the final rejection of April 1, 2010, within the time period for response. The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application. Since the amendment submitted with the petition has been referred to the examiner, who has indicated that the amendment does not prima facie place the application in condition for allowance, the response required for a renewed petition must be a Notice of Appeal and requisite fee, or the filing of a continuing application under the terms set forth in 1031 O.G. 11.

Petitioner must submit a proper reply to the final Office action mailed on April 1, 2010, with any renewed petition. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

A courtesy copy of an Advisory Action is included.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/131,945	**Applicant(s)** RUTHERFORD ET AL.	
	Examiner EBONY EVANS	**Art Unit** 3644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See 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: *1-4*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Timothy D. Collins/
Supervisory Patent Examiner, Art Unit 3644

/E. E./
Examiner, Art Unit 3644

Continuation of 3. NOTE: Claims 1-4 will be rejected under 35 USC 103(a) as being unpatentable over US 3786781 in view of US 3152574 in further view of US 2603183..

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/131,980	Filing date:	06/03/2008
First Named Inventor:	David Parry		
Title of the Invention:	Wearable Wound Simulant		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/045982

The international date of the corresponding PCT application(s) is/are: June 2, 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.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/131,980
First Named Inventor:	David Parry

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 02/03/2010

(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 02/03/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims 1-20 same in both applications

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Michael G. Crilly, Esq.	Date	08/23/2010
Name (Print/Typed)	Michael G. Crilly, Esquire	Registration Number	44631

CLAIMS

PCT APPLICATION NO. PCT/US2009/045982

Claims indicated as having novelty, inventive step, and industrial applicability

1. A wearable wound simulant comprising:

(a) a skin replica having the appearance of a region of the human body, said skin replica comprises:

(i) a plurality of bendable layers arranged to approximately replicate the visual and tactile properties of human tissue; and

(ii) at least one tear resistant layer comprised of a fabric material disposed between two said bendable layers, said at least one tear resistant layer being less stretchable than the elastic limit of one or more said bendable layers so as to prevent failure thereof, said bendable layers and said at least one tear resistant layer forming a self-sealing structure;

(b) a wound structure disposed along said skin replica; and

(c) a fastener system attached to said skin replica to secure said wearable wound simulant about said region.

2. The wearable wound simulant of claim 1, wherein at least one said bendable layer is pigmented to give the appearance of a bruise or a burn.

3. The wearable wound simulant of claim 1, further comprising:

(d) an object approximately replicating the visual and tactile properties of a bone, said object molded onto said tear resistant layer and disposed within said skin replica so as to partially protrude from said skin replica.

4. The wearable wound simulant of claim 3, wherein said object approximately replicates the visual and tactile properties of a fracture.

5. The wearable wound simulant of claim 1, further comprising:

(d) an object approximately replicating the visual and tactile properties of a bone, said object having at least one cavity therein, said object disposed within said skin replica so that at least one said bendable layer fills said at least one cavity, said object partially protruding from said skin replica.

6. The wearable wound simulant of claim 5, wherein said object replicates the visual and tactile properties of a fracture.

7. The wearable wound simulant of claim 1, further comprising:

(d) an object approximately replicating the tactile properties of a bone with a fracture disposed within said skin replica.

8. The wearable wound simulant of claim 1, wherein at least one said bendable layer approximately replicates the tactile properties of fat, muscle, bone, or internal organ.

9. The wearable wound simulant of claim 1, wherein at least one said bendable layer is softer than at least one other said bendable layer.

10. The wearable wound simulant of claim 1, wherein said skin replica approximates the elasticity of skin.

11. The wearable wound simulant of claim 1, wherein said fastener system is a two-piece hook-and-loop device.

12. The wearable wound simulant of claim 1, wherein said fastener system is a zipper device.

13. The wearable wound simulant of claim 1, further comprising:

(d) at least one tube disposed between two said tear resistant layers, said at least one tube approximating the resiliency of a vascular element.

14. The wearable wound simulant of claim 13, wherein a plurality of said tubes form a network having the tactile properties of a vascular system.

15. The wearable wound simulant of claim 13, further comprising:

(e) at least one reservoir disposed along or within said skin replica and capable of storing a fluid approximately replicating the appearance of blood.

16. The wearable wound simulant of claim 15, wherein said at least one reservoir communicates with a resilient opening along said skin replica.

17. The wearable wound simulant of claim 1, wherein said wound has a penetration cavity which extends beyond said skin replica and capable of probing and packing.

18. The wearable wound simulant of claim 1, wherein said wound has an object that protrudes from a cavity within said wound.

19. The wearable wound simulant of claim 18, wherein said object has the visual and tactile properties of an internal organ.

20. The wearable wound simulant of claim 18, wherein said object is attached to said skin simulant so as to be movable.

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.
12/131,980	06/03/2008	David Parry	MP200801NP	6859

90850 7590 08/24/2010

Law Offices of Michael Crilly
104 South York Road
Hatboro, PA 19040

EXAMINER	
SAADAT, CAMERON	
ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
08/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Offices of Michael Crilly
104 South York Road
Hatboro PA 19040

In re Application of	:	
PARRY, DAVID et al	:	DECISION ON REQUEST TO
Application No. 12/131,980	:	PARTICIPATE IN PATENT
Filed: June 3, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MP200801NP	:	PROGRAM AND PETITION
For: WEARABLE WOUND SIMULANT	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Aug. 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Xuan Thai, the SPE of Art Unit 3715 and 571-272-7147 for Class 434/262 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ROSSI, KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE
SUITE 150
ASHBURN VA 20147

MAILED

OCT 07 2011

OFFICE OF PETITIONS

In re Application of
Mutsuo Nishikawa et al
Application No. 12/132,074
Filed: June 3, 2008
Attorney Docket No. FUJI-0493

: 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 October 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 29, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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.*

UNITED STATES 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 16, 2011

In re Application of :

Marc Gollub

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12132112

Filed : 03-Jun-2008

Attorney Docket No : ROC920070471US1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 16, 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 2114 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	12132112
Filing Date	03-Jun-2008
First Named Inventor	Marc Gollub
Art Unit	2114
Examiner Name	GABRIEL CHU
Attorney Docket Number	ROC920070471US1
Title	MEMORY METADATA USED TO HANDLE MEMORY ERRORS WITHOUT PROCESS TERMINATION

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	/Gero G. MCCLELLAN/
Name	Gero G. McClellan
Registration Number	44227

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P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 24 2012

Honeywell/Pangrle
Patent Services
101 Columbia Road
Morristown, NJ 07962-2245

In re Application of:
Joel Castan et al.
Application No. 12/132,123
Filed: June 3, 2008

For: MULTI-PIECE LOCATING PIN

DECISION ON PETITION UNDER 37 CFR 1.144

This is in response to applicant's petition under 37 CFR 1.144 filed August 22, 2011 requesting the requirement for restriction as specified in the office action dated March 7, 2011, at least in part be withdrawn.

The Petition is **DISMISSED as MOOT.**

A review of the file reveals that the application was allowed on January 30, 2012. It is further noted that as part of the allowance, the previously withdrawn claims (12, 13 & 15) were rejoined as part of an examiner's amendment. Thus the issue regarding the restriction as well as the examination of withdrawn claims 12, 13 & 15 is therefore moot.

As to the merits of the argument regarding the restriction requirement, in view of petitioner's arguments and amendments to the claims filed August 22, 2011, it is noted that the examiner did examine withdrawn claims 12, 13 & 15 (directed to a turbocharger assembly) along with previously presented claims 1-3, 8-11 (directed to a multi-piece locating pin). Subsequently, an examiner's amendment was agreed to by applicant, the restriction requirement was withdrawn by the instant examiner, and all remaining withdrawn claims were rejoined, and the application was allowed. Therefore, the request to withdraw the restriction requirement is now moot in view of the rejoinder of the claims in the examiner's amendment filed with the allowance of the application on January 30, 2012.

Petitioner also argues that the application was improperly transferred to Art Unit 3677, and requests that the instant application be reassigned and the Office Action of May 25, 2011 be withdrawn. It is noted that the argument and requests are in an attempt to have the

combination claims 12, 13 & 15 (directed to a turbocharger assembly) examined, with petitioner noting that claims 16-20 were canceled to expedite the reassignment. It is further noted that the instant examiner did examine all claims in the application, including claims 12, 13 & 15, directed to the turbocharger assembly, following the amendment filed with applicant's petition on August 22, 2011. Therefore, the relief sought by petitioner has been granted and the request is moot. Additionally, it should be noted that the transferring or reassigning of an application is an internal matter, performed at the discretion of the Office, and is not an issue petitionable by the applicant, absent evidence of some arbitrary or capricious behavior on the part of the examiner.

Therefore, in view of the allowance of the application, including the rejoinder of the withdrawn claims, the petition for the vacating of the restriction requirement, reassigning the application and the withdrawal of the Office Action of May 25, 2011 is **DISMISSED as MOOT**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Victor Batson at (571) 272-6987.

David Talbott, Director
Patent Technology Center 3600
(571) 272-1934

vb/snm: 2/16/12

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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.
12/132,123	06/03/2008	Joel Castan	H0018031	7110

93136 7590 02/24/2012
HONEYWELL/PANGRLE
Patent Services
101 Columbia Road
Morristown, NJ 07962-2245

EXAMINER	
DELISLE, ROBERTA S	
ART UNIT	PAPER NUMBER
3677	

NOTIFICATION DATE	DELIVERY MODE
02/24/2012	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
brian@ppbdlaw.com
chris.james@honeywell.com

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Louise J. Wannier, et al. :
Application No. 12/132,156 :
Filed: June 3, 2008 :
Attorney Docket No. **026262-000120US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed November 16, 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
Petitions Examiner
Office of Petitions

cc: **MyShape, Inc.**
210 W. Lexington Drive
Glendale, CA 91203

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TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Wannier, et al. :
Application No. 12/132,156 : DECISION ON PETITION
Filed: June 3, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 026262-000120US :

This is a decision on the petition, filed October 20, 2010, captioned under 37 CFR 1.55(c), which is being treated under 37 CFR § 1.78(a)(3), as a petition to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed supplemental ADS.

The petition is **DISMISSED AS MOOT.**

It is noted that the ADS filed with the instant application incorrectly listed the priority to Application No. 11/412,312. However, a reference to the correct prior-filed nonprovisional application, Application No. 11/412,321, was included in the first sentence of the specification following the title as required by the rules. A petition under 37 CFR 1.78(a)(3) is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii).

As a reference to the correct prior-filed nonprovisional application was included in the first sentence of the specification following the title, no petition is required to accept the priority claim. In view of the above, no petition fee will be charged. Please find enclosed a corrected filing receipt

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) 272-3230. 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 3625 for consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Shirene Willis Brantley
Senior Petitions Attorney
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
12/132,156	06/03/2008	3625	2121	026262-000120US	56	9

CONFIRMATION NO. 7168

CORRECTED FILING RECEIPT

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 01/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Louise J. Wannier, Pasadena, CA;
James P. Lambert, Toluca Lake, CA;

Assignment For Published Patent Application

MyShape, Inc., Pasadena, CA

Power of Attorney: The patent practitioners associated with Customer Number 20350

Domestic Priority data as claimed by applicant

This application is a CON of 11/412,321 04/26/2006 PAT 7,398,133
which claims benefit of 60/676,678 04/27/2005
and claims benefit of 60/779,300 03/06/2006

Foreign Applications

If Required, Foreign Filing License Granted: 06/12/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/132,156**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

MATCHING THE FIT OF INDIVIDUAL GARMENTS TO INDIVIDUAL CONSUMERS

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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KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of
Louise J. Wannier, et al.
Application No. 12/132,156
Filed: June 3, 2008
Attorney Docket No. 026262-000120US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 Philip H. Albert 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 October 12, 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: **MyShape, Inc.**
210 W. Lexington Drive
Glendale, CA 91203

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
12/132,156	06/03/2008	Louise J. Wannier	026262-000120US

CONFIRMATION NO. 7168

POWER OF ATTORNEY NOTICE

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC00000004626577 9

Date Mailed: 03/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/14/2011.

- 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.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/132,211	06/03/2008	Yojak Harshad Vasa	2002-672 / PU07 0074-US2	7268

54472 7590 02/15/2011
COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27518

EXAMINER	
NGUYEN, PHUOC H	

ART UNIT	PAPER NUMBER
2443	

MAIL DATE	DELIVERY MODE
02/15/2011	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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Daniel P. Homiller
COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY NC 27518

In re Application of: Yojak YASA	)	
Application No. 12/132211	)	
Filed: June 03, 2008	)	**DECISION ON PETITION**
For: METHOD AND APPARATUS FOR	)	**UNDER 37 CFR § 1.181**
CREATING DYNAMIC PHONE PAGES	)	
DUE TO TRIGGERING EVENTS FROM	)	
AN EXTERNAL SOURCE	)	

This is a decision on the petition filed Jan 25, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to designate a new ground of rejection in the Examiner's Answer mailed Jan 21, 2011.

The petition is **DISMISSED.**

RULES AND REGULATIONS

MPEP§ 1207.03 III states, in part:

> There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection.
>
> Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, *a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection.*

MPEP § 1201 states, in part:

> The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily

hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board ...

37 C.F.R. § 1.181(f) states, in part:

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings...

RELIEF REQUESTED

In the petition, the Appellant alleges that Examiner's Answer includes new grounds of rejection and requests the examiner be directed to issue a corrected Examiner's Answer that either:

(1) withdraw the pending rejections of claims 2, 6-8, 10, and 13-15 under 35 U.S.C. § 102 and designates a new ground of rejection, under 35 U.S.C. § 103, for each of these claims; or

(2) remove the statements in the Examiner's Answer that allege that limitations in claims 2, 6-8, 10, and 13-15 are obvious in view of the cited reference.

OPINON

A review of the file history indicates (and as stated by Appellant) the rejections of claims 1-15 under 35 USC 102(b) as anticipated by Multer (US 2004/0054711 A1) remain the same as set forth in the Final office action. The Appellant argues that the reference does not teach every limitation as set forth in the claim per the requirement of MPEP 2131; and takes issue with the Examiner's language "...this limitation is ***obvious exited*** in the system...wherein..." in what appears to be an explanation of inherency by the Examiner in response to Appellant's argument that the Multer reference does not teaches the features of dependent claims 2, 6-8, 10, and 13-15. Thus, it is apparent that such a disagreement related to claim interpretation and as such an **appealable, not petitionable, matter**.

Since the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, and the change in the discussion and rationale in support of the rejection is proper; **it is concluded that Examiner's Answer** mailed Jan 01, 2011 **did not introduce new ground of rejection** pursuant MPEP 1207.03.

For the reasons stated above, the petition is **DISMISSED.**

Since the TC Director agrees with the examiner that the rejection is not a new ground of rejection, the examiner is not required to send a corrected Examiner's Answer.

Upon the mailing of this decision, the application will be forward to the Board of Appeal.

Any inquiry concerning this decision should be directed to Kim Huynh, whose telephone number is (571) 272-4147.

/N. Le/

Nancy Le
Technology Center 2400
Network, Multiplexing, Cable and Security

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

MAILED

MAR 17 2011

OFFICE OF PETITIONS

In re Patent of Chen et al. :
Patent No. 7,662,834 :
Issue Date: February 16, 2010 : Letter
Application No. 12/132,254 :
Filing Date: June 3, 2008 :
Attorney Docket No. 70001-008003 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed October 19, 2010.

The deficiency payment of $755 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
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Decision Date February 29, 2012

In re Application of Kuo-Ching CHIANG

Application No. 12132277

Filed: 03-Jun-2008

Attorney Docket No. P2138US-30 (32

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), February 29, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of aresponse; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12132277
Filing Date	03-Jun-2008
First Named Inventor	Kuo-Ching CHIANG
Attorney Docket Number	P2138US-30 (323-0127)
Title	ADVANCED PRINT CIRCUIT BOARD AND THE METHOD OF 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 07-11-2011
- ○ Amendment and response are attached

RCE request,submission, and fee.

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- ○ RCE Request, Submission, and Fee are attached

Notice of Appeal

○	I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on
○	Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉	An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
○	An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
○	A sole inventor
○	A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
○	A joint inventor; all of whom are signing this e-petition
○	The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/ ALEXIS SAENZ /
Name	ALEXIS SAENZ
Registration Number	54570

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
COLUMBIA CENTER
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of :
Joseph M. Jeddeloh :
Application No. 12/132,332 : ON PETITION
Filed: June 3, 2008 :
Attorney Docket No. METHOD AND APPARATUS FOR TESTING HIGH CAPACITY/HIGH BANDWIDTH MEMORY DEVICES

This is a decision on the petition, filed February 17, 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 8, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2117 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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IP DEPARTMENT - 25TH FLOOR
NEW YORK, NY 10020

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MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Heck et al. :
Application No. 12/132,334 : DECISION ON PETITION
Filed: June 3, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 017301808.000006 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/909,238, filed March 30, 2007, as set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The intermediate nonprovisional application, Application No. 12/050,449 was filed on March 18, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/909,238, which was filed on March 30, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), is required.

Further correspondence with respect to this matter should be addressed as follows:

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
By Internet:	EFS-Web

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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[1] *Note* 37 CFR 1.121

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MAY 09 2011

OFFICE OF PETITIONS

In re Application of
Heck et al.
Application No. 12/132,334
Filed: June 3, 2008
Attorney Docket No. 017301808.000006

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/909,238, filed March 30, 2007, set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The intermediate nonprovisional application, Application No. 12/050,449, was filed on March 18, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/909,238, which was filed on March 30, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(5)(ii). *See* 35 U.S.C. § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR § 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e), the petition to accept an unintentionally delayed claim of benefit to the above-noted, prior-filed provisional application is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 2612 for appropriate action on the amendment submitted March 21, 2011, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/132,334	06/03/2008	2612	550	01730108.000006	22	3

CONFIRMATION NO. 7538

CORRECTED FILING RECEIPT

43309
SILLS CUMMIS & GROSS P.C.
ONE ROCKEFELLER PLAZA
IP DEPARTMENT - 25TH FLOOR
NEW YORK, NY 10020

Date Mailed: 05/09/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mark Heck, Toms River, NJ;
Hart Ferrall, Vero Beach, FL;
Sean Maguire, Dayton, MD;
Parvez Mansuri, Belle Mead, NJ;

Assignment For Published Patent Application

Mark-It Services, Lakehurst, NJ

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 12/050,449 03/18/2008 ABN
which claims benefit of 60/909,238 03/30/2007

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: 06/12/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/132,334**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Apparatus And Method For Wireless Monitoring

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/132,380	Filing date:	June 3, 2008
First Named Inventor:	Troy T. Boutte		
Title of the Invention:	ENZYMATIC DOUGH CONDITIONER AND FLAVOR IMPROVER FOR BAKERY PRODUCTS		

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/US2008/071620

The international date of the corresponding PCT application(s) is/are: July 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.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/132,380
First Named Inventor:	Troy T. Boutte

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 November 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 November 16, 2009

ii. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-23	1-23	Identical claims filed in both applications

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Tracy Bornman	Date 8/9/10
Name (Print/Typed) Tracy Bornman	Registration Number 42,347

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/132,380	06/03/2008	Troy T. Boutte	39306	7605

23589 7590 10/15/2010

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER	
KING, FELICIA C	

ART UNIT	PAPER NUMBER
1789	

MAIL DATE	DELIVERY MODE
10/15/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 15 2010

CT

In re application of Troy Boutte et al Serial No. 12/132,380 Filed: June 3, 2008 For: ENZYMATIC DOUGH CONDITIONER AND FLAVOR IMPROVER FOR BAKERY PRODUCTS	:	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 August 9, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:

(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.

Applicant indicates that a copy of all claims which were indicated as having novelty, inventive step, and industrial applicability in the PCT is not attached to the Request for Participation in the PCT-PPH Pilot Program because the document is already in the US application. However, upon review of the file of the present application, no copy of the PCT claims can be found.

As no copy of the claims which were indicated as having novelty, inventive step, and industrial applicability in the PCT have not been provided, it cannot be determined if the claims in the U.S. application sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s).

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) and indexed with the following 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.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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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.
12/132,380	06/03/2008	Troy T. Boutte	39306	7605

23589 7590 11/03/2010

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER	
KING, FELICIA C	

ART UNIT	PAPER NUMBER
1789	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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November 3, 2010 CT

In re application of Troy Boutte et al Serial No. 12/132,380 Filed: June 3, 2008 For: ENZYMATIC DOUGH CONDITIONER AND FLAVOR IMPROVER FOR BAKERY PRODUCTS	:	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 August 9, 2010, to make the above-identified application special.

It is noted that on October 15, 2010, the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program was dismissed. However, upon reconsideration of the request, specifically as applicant has indicated that the claims of the corresponding PCT are identical to the claims of the present application, the request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended

to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN NJ 07041

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Binkert, et al. : ON APPLICATION FOR
Application No. 12/132,443 : PATENT TERM ADJUSTMENT
Filed: June 3, 2008 :
Atty. Docket No. AC-44-USD :
:

This is a decision on the "Request for Recalculation of Patent Term Adjustment Pursuant to 37 CFR 1.705" filed October 4, 2010, which is being treated as a petition under 37 CFR 1.705(b).

The petition is **DISMISSED**.

On July 22, 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 116 days. The petition was filed on October 4, 2010. Applicants surmise that the patent term adjustment of 116 days appears to be longer than appropriate. Applicants did not specifically state how applicants believe the alleged miscalculation occurred.

A review of the application reveals no circumstance that would warrant any change to the patent term adjustment as it was calculated prior to issuance of the patent.

In view thereof, the patent term adjustment of 116 days as indicated by the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed July 22, 2010, will not be changed.

Deposit account 50-4255 will be charged $200.00 for the 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 applicants will be notified in

the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11-15-11 Paper No.: _____

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/132,534 Patent No.: 7999552

CofC mailroom date: 11-4-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COFC be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis 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: _____

/Patrick Assouad/ 2858
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/6/2012

TO SPE OF : ART UNIT 2112

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/132638 Patent No.: RE41753E

CofC mailroom date: 1/27/2012

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: _____

_____

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: _____

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER

2112
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 18,2011

In re Application of :

Camillo Ricordi

Application No : 12132619

Filed : 04-Jun-2008

Attorney Docket No : 213364-30001

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 18,2011

The request is **APPROVED.**

The request was signed by Nancy J. Leith (registration no. 45309) on behalf of all attorneys/agents associated with Customer Number 69139 . All attorneys/agents associated with Cusotmer Number 69139 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Mr. Stephen Sanders
Name2	
Address 1	1921 Cooper Road
Address 2	
City	Sebastopol
State	CA
Postal Code	95472
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	12132619
Filing Date	04-Jun-2008
First Named Inventor	Camillo Ricordi
Art Unit	2168
Examiner Name	SANGWOO AHN
Attorney Docket Number	213364-30001
Title	System, method and apparatus for data capture and management

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 69139

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Mr. Stephen Sanders
Address	1921 Cooper Road
City	Sebastopol
State	CA
Postal Code	95472

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nancy J. Leith/
Name	Nancy J. Leith
Registration Number	45309

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY NY 11560

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Asit Dan et al :
Application No. 12/132,790 : DECISION ON PETITION
Filed: June 4, 2008 :
Attorney Docket No. YOR920050226US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 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 Appeal Brief; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply 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 3624 for appropriate action by the Examiner in the normal course of business on the reply received February 14, 2011.

/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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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of :
Virginia Maria DAY, et al :
Application No. 12/132,955 : DECISION ON PETITION
Filed: June 4, 2008 :
Docket No. 10822 :

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 18, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 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 $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 1616 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12132995
Filing Date	04-Jun-2008
First Named Inventor	Victoria Lyons
Art Unit	3635
Examiner Name	BASIL KATCHEVES
Attorney Docket Number	IPX08LYON001
Title	MODULAR BUILDING SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(b)(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	Victoria Lyons
Address	600 Alpha Parkway
City	Stow
State	OH
Postal Code	44224
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jay Schloff/
Name	Jay Schloff
Registration Number	57069

UNITED STATES 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 2,2011

In re Application of :

Victoria Lyons

Application No : 12132995

Filed: 04-Jun-2008

Attorney Docket No : IPX08LYON001

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed May 2,2011

The request is **APPROVED**

The request was signed by Jay Schloff (registration no. 57069) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	Victoria Lyons
Name2	
Address 1	600 Alpha Parkway
Address 2	
City	Stow
State	OH
Postal Code	44224
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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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application:
Oshemkov et al.
Application No. 12/133,004
Filed: June 4, 2008
Attorney Docket No. P-9942-US

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 9, 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 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 inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

SEP 13 2011

OFFICE OF PETITIONS

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

In re Application of :
Kenji TAKEOKA et al. : ON PETITION
Application No. 12/133,013 :
Filed: June 4, 2008 :
Atty. Docket No.: T-6702

This is in response to the petition under 37 CFR 1.137(b), filed August 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 23, 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 November 24, 2010. A Notice of Abandonment was mailed March 14, 2011.

The petition satisfies the conditions under the provisions of 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

This application is being referred to Technology Center Art Unit 1771 for further consideration of the filed Response.

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111031

DATE : November 01, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,941,771

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 certificate of correction filed 10/17/2011 was considered by Examiner and approved, wherein duplicated term "by a computer processing system" should be deleted from column 19, line 21 of the Patent 7,941,771.

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825

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.
12/133,098	06/04/2008	Gregory L. Chambers	11613-1040	9011

24504 7590 10/08/2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
SPARKS, DONALD ALAN	

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
10/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 Galleria Parkway, S.E.
Suite 1500
Atlanta GA 30339

In re Application of :
CHAMBERS, Gregory et al. :
Application No. 12/133,098 :
Filed: June 4, 2008 :
For: **ASSET COMMISSIONING** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

The petition filed February 12, 2010 has been treated as a petition under 37 CFR 1.102 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(s) 5 and 8 above.

Petitioner is encouraged access the Green Technology Pilot Program by visiting: http://www.uspto.gov/patents/init_events/green_tech.jsp This website contains all relevant information and forms to fulfill the requirements of the petition filed under this pilot program.

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.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Chambers, *et al.*

Serial No.: 12/133,098

Filed: June 4, 2008

For: ASSET COMMISSIONING

Confirmation Number: 9011

Group Art Unit: 3664

Examiner: TBA

Docket No.: 11613-1040

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RENEWED PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM (37 C.F.R. 1.102)

Sir:

Applicant renews its Petition for special status in the above identified application. The original petition was dismissed on October 8, 2010. The deadline for filing the renewed petition is one month (30 days) from that date.

The decision cites the following conditions to make an application special under this program:

1. The application must have no more than three independent claims and no more that twenty total claims.

This application has a total of twenty (20) claims, with three (3) independent claims which are claims 1, 8 and 15.

2. The application must not contain any multiple dependent claims.

There are no multiple dependent claims in the application.

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) green house gas emission reduction.

Applicant submits that this invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

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.

Applicant submits a Declaration of Anthony F. Bonner, registered to practice before the U.S. Patent and Trademark Office as an attorney, registration number 55,012, which should fulfill this requirement.

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.

Applicant agrees to this. It is requested that the examiner conduct the telephonic interview with the undersigned attorney.

6. The Petition to Make Special must be filed electronically.

This Petition is being 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.

Applicant submits a printout of the status of the application as it appears in the PAIR system. There is no indication that a first Office Action has issued.

8. The Petition must be accompanied by a Request for Early Publication in compliance with 37 C.F.R. 1.219 and include the publication fee as set forth in 37 C.F.R. 1.18(b).

Applicant submits a copy of the first page of the published application. Accordingly, early publication has already occurred.

The Office has waived the requirement for a fee for consideration of the Petition to Make Special, as stated in the Decision on Petition dated October 8, 2010.

The Decision on Petition indicates that applicant's Petition lacks items 5 and 8 above. Applicant submits that item 5 is complied with herein as indicated above and that item 8 should be waived since the application has been published, Publication No. US 2009/0132069 A1 dated May 21, 2009.

Applicant respectfully requests that the above identified application be made special.

Respectfully submitted,

George M. Thomas
Reg. No.: 22,260 11/1/10

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
600 Galleria Parkway
Suite 1500
Atlanta, Georgia 30339-5948
Tel. No.: 770-933-9500
Customer No. 24504

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Confirmation Number: 9011

Chambers, *et al.* Group Art Unit: 3664

Serial No.: 12/133,098 Examiner: TBA

Filed: June 4, 2008 Docket No.: 11613-1040

For: ASSET COMMISSIONING

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

ATTN: Special Program Examiner, Technology Center Unassigned
(M.P.E.P. §1002.02(s))

Declaration of Anthony Bonner

1. My name is **Anthony Bonner**. I am over the age of 21 years. I have personal knowledge of the facts stated in this declaration and the facts stated in this declaration are true and correct.

2. I am an attorney of record of U.S. Application No. 12/133,098.

3. I prepared U.S. Application No. 12/133,098.

4. The invention of the above-referenced application will materially reduce the consumption of natural resources by efficiently managing operation of electric based (and other powered devices) devices, such as HVAC Systems, appliances, lighting, etc. More specifically, as explicitly recited in the claims, embodiments of the present application validate proper operation of an asset (*e.g.*, HVAC Systems, appliances, lighting, *etc.*) to more efficiently operate those assets. As is evident, the more efficiently an asset is operating, fewer natural resources are consumed.

I declare under the United States of America penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Date: FEBRUARY 12, 2010 By: [signature]

12/133,098	Asset Commissioning	11-01-2010:10:19:52

Transaction History

Date	Transaction Description
10-08-2010	Mail-Petition Decision - Dismissed
10-07-2010	Petition Decision - Dismissed
02-12-2010	Petition Entered
02-21-2010	Case Docketed to Examiner in GAU
05-21-2009	PG-Pub Issue Notification
05-06-2009	Case Docketed to Examiner in GAU
10-17-2008	Electronic Information Disclosure Statement
10-17-2008	Information Disclosure Statement (IDS) Filed
09-17-2008	IFW TSS Processing by Tech Center Complete
06-04-2008	Electronic Information Disclosure Statement
07-08-2008	Application Dispatched from OIPE
06-20-2008	Sent to Classification Contractor
06-20-2008	Filing Receipt
06-20-2008	Application Is Now Complete
06-11-2008	Cleared by OIPE CSR
06-07-2008	IFW Scan & PACR Auto Security Review
06-04-2008	Information Disclosure Statement (IDS) Filed
06-04-2008	Initial Exam Team nn

Close Window

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,098	06/04/2008	Gregory L. Chambers	11613-1040	9011

24504 7590 11/05/2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
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ATLANTA, GA 30339-5994

EXAMINER	
SPARKS, DONALD ALAN	

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
11/05/2010	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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THOMAS, KAYDEN, HORSTEMEYER, RISLEY, LLP
600 Galleria Parkway, S.E.
Suite 1500
Atlanta GA 30339

In re Application of :
CHAMBERS, Gregory et al. :
Application No. 12/133,098 :
Filed: June 4, 2008 :
For: **ASSET COMMISSIONING** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the request for reconsideration of the petition under 37 CFR 1.102, filed November 2, 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 **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.

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115-1843

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Strauss et al. :
Application No. 12/133,117 : DECISION ON PETITION
Filed: June 4, 2008 : PURSUANT TO
Attorney Docket No.: LUTZ : 37 C.F.R. § 1.181(A)
200860 :
Title: METHOD AND APPARATUS FOR :
IDENTIFYING AN ALTERNATIVE PEER :
HOSTING AN ALTERNATIVE :
COMMUNICATION SERVICE :

This is a decision on the petition filed December 16, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

Receipt of the concurrently submitted Request for Continued Examination (RCE), the associated fee, and an amendment is acknowledged.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed April 14, 2011, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on July 15, 2011. A notice of abandonment was mailed on October 26, 2011.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (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.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ANALYSIS

With this petition, Petitioner has stated that the final Office action was not received at the correspondence address of record,[1] and Petitioner has suggested that a search of the file and the electronic records indicates that the communication was not received.[2] Petitioner has further included a copy of both the master docket and the records that are associated with this particular application, and it is noted that the final Office action is not recorded therein. Moreover, Petitioner has established that Office communications are entered into an electronic database, which generates Docket Reports on a daily

1 Lightbody declaration of facts, paragraph 15 and petition, page 1.
2 Lightbody declaration of facts, paragraphs 12 and 14, and petition, pages 3-4.

basis, and these Docket Reports are e-mailed to each attorney and secretary on a daily basis.[3]

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the final Office action was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

The Technology Center will be notified of this decision. 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 16, 2011 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[4] 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

3 Lightbody declaration of facts, paragraphs 6 and 8-10.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,135	06/04/2008	Jae Eun JANG	PHO-0122	9077

7590 11/03/2010

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
2873	

NOTIFICATION DATE	DELIVERY MODE
11/03/2010	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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November 1, 2010

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
Jae Eun Jang, et al	:	**DECISION ON PETITION**
Application No. 12133135	:	
Filed: 06/04/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **PHO-0122**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 4, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Shah, et al.
Application No. 12/133,142
Filed: 4 June, 2008
Attorney Docket No. T-6928

DECISION ON PETITION

This is in response to the petition filed on 23 July, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c).

BACKGROUND

The record indicates:

The instant application was filed on 4 June, 2008, without, *inter alia*, a fully executed oath/declaration.

On 16 June, 2008, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 4 December, 2008, Petitioner Susan M. Abernathy (Reg. No. 56,628) filed, *inter alia*, a two-page petition with fee pursuant to 37 C.F.R. §1.47 without supporting documentation, an oath/declaration signed by co-inventors Shah, Rosenbaum and Bertrand on behalf of themselves and non-signing co-inventors Marianne de Keyser and Thierry Scholier—however, Petitioner failed to provide the requirements under the regulation, including a proper showing/evidence (e.g., copies of transmittal letters with courier or U.S. Postal Service tracking information evidencing success/failure of delivery) that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); and a statement of the last known address of the non-signing inventor(s)—with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. The petition was dismissed on 26 May, 2009.

Petitioner failed to reply timely to the decision of dismissal (absent extension of time) on or before 26 July, 2009.

Thus, the application went abandoned by operation of law after midnight 26 July, 2009.

It does not appear that the Office mailed a Notice of Abandonment before the instant petition was filed.

On 23 July, 2010, Petitioner Penny L. Prater (Reg. No. 34,965) filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and, *inter alia*, a reply in the form of a petition pursuant to 37 C.F.R. §1.47.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

---

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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P.O. BOX 6006
SAN RAMON CA 94583-0806

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AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Shah, et al.
Application No. 12/133,142
Filed: 4 June, 2008
Attorney Docket No. T-6928

DECISION ON PETITION

This is the decision on the petition filed on 23 July, 2010, pursuant to 37 C.F.R. §1.47(a).

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

(Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)

BACKGROUND

The record indicates:

The instant application was filed on 4 June, 2008, without, *inter alia*, a fully executed oath/declaration.

On 16 June, 2008, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 4 December, 2008, Petitioner Susan M. Abernathy (Reg. No. 56,628) filed, *inter alia*, a two-page petition without supporting documentation, an oath/declaration signed by co-inventors Shah, Rosenbaum and Bertrand on behalf of themselves and non-signing co-inventors Marianne de Keyser and Thierry Scholier—however, Petitioner failed to provide the requirements under the regulation, including a proper showing/evidence (e.g., copies of transmittal letters with courier or U.S. Postal Service tracking information evidencing success/failure of delivery) that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); and a statement of the last known address of the non-signing inventor(s)—with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Petitioner had not worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See* MPEP §409.03, and §409.03(a), et seq. The petition was dismissed on 26 May, 2009.

Petitioner failed to reply timely to the decision of dismissal (absent extension of time) on or before 26 July, 2009.

Thus, the application went abandoned by operation of law after midnight 26 July, 2009.

On 23 July, 2010, Petitioner Penny L. Prater (Reg. No. 34,965) filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and, *inter alia*, a reply in the form of a petition pursuant to 37 C.F.R. §1.47. The application was revived. As to the petition pursuant to 37 C.F.R. §1.47, Petitioner made a showing that the entire application (description, claims, abstract, drawings) was sent to the non-signing inventors and that the non-signing inventors could not cannot be reached or refused to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); and a statement of the last known address of the non-signing inventors with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. The showing presented of record indicates a failure to reply and constructive refusal to sign.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing of constructive refusal to sign by the non-signing inventor.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARIANNE DE KEYSER
NIJVERHEIDSSTRAAT 95
9950 WAARSCHOOT
BELGIUM

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Shah, et al.
Application No. 12/133,142
Filed: 4 June, 2008
Attorney Docket No. T-6928

COMMUNICATION

Dear Marianne de Keyser:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

THIERRY R. SCHOLIER
LIEFKEMORESLAAN 19
8450 BREDENE
BELGIUM

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Shah, et al.
Application No. 12/133,142
Filed: 4 June, 2008
Attorney Docket No. T-6928

: COMMUNICATION

Dear Thierry R. Scholier:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/12/11

TO SPE OF : ART UNIT 3728

SUBJECT : Request for Certificate of Correction for Appl. No.: 12133153 Patent No.: 7832553

CofC mailroom date: 08/31/11

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
[redacted]

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.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Examiner approved

/MY/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/12/11

TO SPE OF : ART UNIT 3728

SUBJECT : Request for Certificate of Correction for Appl. No.: 12133153 Patent No.: 7832553

CofC mailroom date: 08/31/11

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
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.

Comments: Ex'r approved.

M.Y. SPE 3728

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.
12/133,169	06/04/2008	Jingmin Jiao	15072-000013/US/CO	9138

7590 09/08/2010

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
09/08/2010	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.

Patent Publication Branch
Office of Data Management

Page 1 of 1

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

STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of

AVADHANAM, Niranjan et al.
Application No. 12/133,183
Filed: June 04, 2008
Attorney Docket No. **NOVA-00600**

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 02, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
AVADHANAM, Niranjan et al. :
Application No. 12/133,183 : DECISION ON PETITION
Filed: June 04, 2008 : TO WITHDRAW
Attorney Docket No. **NOVA-00600** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 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.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NOVAFORA, INC.**
2460 N. 1ST ST.
SUITE 200
SAN JOSE, CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of	:	
AVADHANAM, Niranjan et al.	:	
Application No. 12/133,183	:	DECISION ON PETITION
Filed: June 04, 2008	:	TO WITHDRAW
Attorney Docket No. **NOVA-00600**	:	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 July 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 R. Stevens 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 correspondence will be directed to the new 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: **NOVAFORA, INC**
2460 N. 1ST ST.
SUITE 200
SAN JOSE, CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
AUG 09 2011
OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION
Christian Schott	: FOR PATENT TERM ADJUSTMENT
Application No. 12/133,189	: AND NOTICE OF INTENT
Filed: June 4, 2008	: TO ISSUE
Patent No. 7,965,076	: CERTIFICATE OF CORRECTION
Issued: June 21, 2011	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. 1.705(d)", filed July 21, 2011. Patentee requests that the patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred two (402) days to three hundred fifty (350) days.

The application for patent term adjustment is **GRANTED**.

On February 11, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the instant application. The Notice stated that the patent term adjustment (PTA) to date was four hundred twenty-eight (428) days. On May 10, 2011, Applicant filed a "GOOD FAITH LETTER IN RESPONSE TO PATENT TERM ADJUSTMENT ERROR", which was a candor letter indicating that the 428 days of patent term accorded was thought to be longer than appropriate by 95 days. On June 21, 2011, the application issued into Patent No. 7,965,076 with a patent term adjustment of four hundred two (402) days.

A review of the file reveals that Applicants were assessed delay of forty-three (43) days for filing the "GOOD FAITH LETTER IN RESPONSE TO PATENT TERM ADJUSTMENT ERROR" on May 10, 2011.

Pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Likewise, the submission of a candor letter will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Accordingly, zero (0) days should have been assessed for this filing.

In addition, a review of the file reveals that Applicants also should have been assessed an additional ninety-five (95) days of delay pursuant to 37 CFR 1.704(b). The Office mailed a Notice to File Missing Parts on July 18, 2008. Applicant did not file a reply until January 21, 2009 (made timely for purposes of avoiding abandonment by obtaining a four month extension of time). Accordingly, ninety-five (95) days of Applicant delay should have been assessed under 37 CFR 1.704(b).

In view thereof, the correct determination of patent term adjustment is three hundred fifty (350) days (430 days of "A" delay and 17 days of "B" delay, reduced by 97 (95+2) days of Applicant delay).

The $200 fee has been charged to Deposit Account No. 20-1430. Petitioner's request for waiver of this fee is dismissed, as the fee is required for the Office's consideration of the application for patent term adjustment.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction, indicating a Patent Term Adjustment of **three hundred fifty (350) 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: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,965,076 B2

DATED : **June 21, 2011**

INVENTOR(S) : Schott

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 402 days.

Delete the phrase "by 402 days" and insert – by 350 days--

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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DEC 20 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 8,037,024
Issued: October 11, 2011
Application No. 12/133,193
Filed: June 4, 2008
Dkt. No.: 16113-0415001

: DECISION ON PATENT TERM
: ADJUSTMENT and NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed on December 9, 2011 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 635 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 635 days is **GRANTED**.

The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 635 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Adviser
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,037,024

DATED : October 11, 2011 **DRAFT**

INVENTOR(S) : Bozkaya, 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 595 days

Delete the phrase "by 595 days" and insert – by 635 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/25/11

TO SPE OF : ART UNIT 1653

SUBJECT : Request for Certificate of Correction for Appl. No.: 12133198 Patent No.: 7968104

CofC mailroom date: 11/17/11

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 571-273-3421

Note: Request for Certificate of Correction filed on 11/17/2011.

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: All the requested correction as filed on 11/17/2011 are typographic errors in nature, and are approved for enter.

/Sue Liu/ — 1653

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 16 2010

OFFICE OF PETITIONS

Weaver Austin Villeneuve & Sampson LLP - NOVL
Attn.: Novellus Systems, Inc.
P.O. Box 70250
Oakland CA 94612-0250

In re Application of	:	
Gishun Hsu et al.	:	
Application No. 12/133,223	:	DECISION ON PETITION
Filed: June 4, 2008	:	
Attorney Docket No. NOVLP284/NVLS-3454	:	

This is a decision on the petition under 37 CFR 1.181 (no fee) filed July 16, 2010, which is being treated as an alternative a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

The petition under 37 CFR 1.181 is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on March 2, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on June 3, 2010. A Notice of Abandonment was mailed on July 6, 2010.

Petitioner states that applicant was under the impression that no replacement drawings were required. However the Notice of Allowability, mailed March 2, 2010 clearly indicated that corrected drawings must be submitted.

In view of the above, the holding of abandonment is hereby dismissed.

The petition under 37 CFR 1.137(b) 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 corrected drawings, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

As authorized the petition fee of $1,620 will charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
William J. ANDERSON, et *al.* :
Application No. 12/133,239 :
Filed: June 4, 2008 :
Attorney Docket No. **26018-14170** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2010.

The request is **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 Rajiv P. Patel on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **WILLIAM J. ANDERSON**
c/o 493 SEAPORT COURT, SUITE 150
REDWOOD CITY, CA 94063

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of	:	
Guansan Chen	:	
Application No. 12/133331	:	ON APPLICATION FOR
Filing or 371(c) Date: 06/04/2008	:	PATENT TERM ADJUSTMENT
Attorney Docket Number: 13854-146001	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)," filed December 14, 2011. Applicant's request recalculation of the patent term adjustment calculation to four hundred two (402) days, not three hundred sixty (360) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction based upon an assertion that the Office erred in calculating an adjustment of 360 days.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in calculating an adjustment of 360 days is **DISMISSED**.

On October 18, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is three hundred sixty (360) days.

On December 14, 2011, applicants timely submitted the instant application for patent term adjustment[1]. Applicant requests that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed October 18, 2011, to an adjustment of 402 days. Applicant avers that the Office erred in calculating an adjustment pursuant to 37 CFR 1.702(a)(1), in connection with the mailing of an Office communication on July 30, 2010, fourteen months and 360 days after the filing of the application. Applicant provides that the Office subsequently mailed an Office action on September 10, 2010, stating that the Office action mailed July 30, 2010, was inapplicable and replaces the previous Office action. Applicant asserts therefore that the correct PTA of 402 days is appropriate, beginning on the day after the date that is fourteen months after the application was filed, and ending on the date of mailing of the subsequently mailed Offie action, September 10, 2010, pursuant to 37 CFR 1.702(a)(1).

[1] PALM records show that the Issue Fee payment was filed on December 14, 2011.

communication was not an action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 151 as required by 37 CFR 1.703(a)(1), and as such, the first action under 35 U.S.C. 132 was a restriction requirement mailed December 8, 2008.

Applicants' argument is not persuasive. On July 30, 2010, the Office issued an action as a result of the examination conducted pursuant to 35 U.S.C. 131. The subsequent action in this case does not negate the fact that a first Office action was mailed on July 30, 2010. Accordingly, the period of examination delay was properly calculated based on the July 30, 2011, date.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance remains three hundred sixty (360) days, subject to any terminal disclaimer.

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, including any request as it relates to the Office's failure to issue the patent within 3 years of the filing date, must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and ***must*** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on September 13, 2010.

TOWNSEND and TOWNSEND and CREW LLP

By: _____
Yvonne Mock

PATENT
Attorney Docket No.: 027364-000300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark P. D'Evelyn

Application No.: 12/133,364

Filed: June 5, 2008

For: HIGH PRESSURE APPARATUS AND METHOD FOR NITRIDE CRYSTAL GROWTH

Customer No.: 20350

Confirmation No. 9540

Examiner: Robert M. Kunemund

Technology Center/Art Unit: 1792

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on December 10, 2009, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that a publication request is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the amount of $300.

Applicants hereby request early publication under 37 CFR1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. The Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the amount of $300.

By filing this petition, Applicants are agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The present invention is related to light-emitting diodes devices, which can be used for various types of lighting applications. Light-emitting diodes promise fundamentally higher efficiencies than traditional lighting technologies such as incandescent and mercury-based fluorescent lamps. Lighting accounts for about 20% of nationwide electricity use. Switching older lighting technologies to high efficiency LED lighting could reduce this electricity consumption in half. That is, an overall 10% reduction in nationwide electricity use. This is a savings of 1100 Terra-Watt-hours/year in energy consumption (or ~ $100B/year energy costs) and a 200M tons/year reduction in global carbon emissions annually. In addition, it could save 125 GW/year in electricity generation requirements ($50B construction cost or more). The present invention contributes directly to LED lighting, as the claimed invention directs to high pressure apparatus and method for growing nitride crystal that can be used to produce energy-efficient and cost-effective LED devices.

A preliminary amendment has been submitted to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully submitted,

/Lu Yin/

Lu Yin
Reg. No. 60,214

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
L1Y/j4p

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: 027364-000300US	Application Number (if known): 12/133,364	Filing date: June 5, 2008

First Named Inventor: Mark P. D'Evelyn

Title: High Pressure Apparatus and Method for Nitride Crystal Growth

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 /Lu Yin/	Date September 13, 2010
Name (Print/Typed) Lu Yin	Registration Number 60,214

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,364	06/05/2008	MARK P. D'EVELYN	027364-000300US	9540

20350 7590 10/04/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
KUNEMUND, ROBERT M	
ART UNIT	**PAPER NUMBER**
1714	
MAIL DATE	**DELIVERY MODE**
10/04/2010	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

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

OCT 04 2010

In re Application of	:	
D'Evelyn	:	DECISION ON PETITION
Application No. 12/133,364	:	TO MAKE SPECIAL UNDER
Filed: 6/5/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **027364-000300US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/13/2010, 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(s) 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. It is not agreed that the application on its face meets that materiality standard.

Applicant's arguments that the instant invention is related to LEDs is noted, however none of the claimed subject mater is in fact related to LEDs. Rather, all of the claims are directed to an apparatus for "crystal or material processing" and a method for growing crystals. The fact that it is mentioned in passing in the specification that the crystals being formed can be used for LEDs does not meet the materiality standard of the pilot program.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1714 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on October 14, 2010.

TOWNSEND and TOWNSEND and CREW LLP

By: Yvonne Mock

PATENT
Attorney Docket No.: 027364-000300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark P. D'Evelyn

Application No.: 12/133,364

Filed: June 5, 2008

For: HIGH PRESSURE APPARATUS AND METHOD FOR NITRIDE CRYSTAL GROWTH

Customer No.: 20350

Confirmation No. 9540

Examiner: Robert M. Kunemund

Technology Center/Art Unit: 1792

RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request reconsideration to participate in the Green Technology Pilot Program for the above-identified application. A Petition to Make Special Under the Green Technology Pilot Program was submitted on September 13, 2010. This communication responds to dismissal "DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM" (the "DECISION") mailed October 4, 2010.

The DECISION states that the petition was dismissed because "none of the claimed subject matter is in fact related to LEDs." Applicants respectfully submit that in response to the DECISION, a preliminary amendment has been filed to amend claim 50, which recites, among other limitations "forming one or more lighting emitting diodes using the substrate." Thus, the reasons for the dismissal of the previously filed petition are overcome.

In light of the above actions taken by Applicants, the requirements for the Green Technologies petition are met, and the petition should be granted.

Respectfully submitted,

/Lu Yin/

Lu Yin
Reg. No. 60,214

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
L1Y/y1m

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
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 027364-000300US	Application Number (if known): 12/133,364	Filing date: June 5, 2008

First Named Inventor: Mark P. D'Evelyn

Title: High Pressure Apparatus and Method for Nitride Crystal Growth

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 /Lu Yin/	Date October 14, 2010
Name (Print/Typed) Lu Yin	Registration Number 60,214

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,364	06/05/2008	MARK P. D'EVELYN	027364-000300US	9540

20350 7590 10/21/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
KUNEMUND, ROBERT M	

ART UNIT	PAPER NUMBER
1714	

MAIL DATE	DELIVERY MODE
10/21/2010	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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of

OCT 21 2010

Mark P. D'Evelyn : DECISION ON PETITION
Application No. 12/133,364 : TO MAKE SPECIAL UNDER
Filed: June 05, 2008 : THE GREEN TECHNOLOGY
Attorney Docket No. 027364-000300US : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 14, 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 1714 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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: 027364-000400US	Application Number (if known): 12/133,365	Filing date: June 5, 2008

First Named Inventor: Mark P. D'Evelyn

Title: Improved Capsule for High Pressure Processing and Method of Use for Supercritical Fluids

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 /Lu Yin/	Date January 14, 2011
Name (Print/Typed) Lu Yin	Registration Number 60,214

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.

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on January 14, 2011.

KILPATRICK TOWNSEND & STOCKTON LLP

By: Yvonne Mock

PATENT
Attorney Docket No.: 027364-000300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark P. D'Evelyn

Application No.: 12/133,365

Filed: June 5, 2008

For: IMPROVED CAPSULE FOR HIGH PRESSURE PROCESSING AND METHOD OF USE FOR SUPERCRITICAL FLUIDS

Customer No.: 20350

Confirmation No. 9541

Examiner: Unassigned

Technology Center/Art Unit: 1615

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on December 10, 2009, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that a publication request is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the amount of $300.

Applicants hereby request early publication under 37 CFR1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. The Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the amount of $300.

By filing this petition, Applicants are agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The present invention is related to light-emitting diodes devices, which can be used for various types of lighting applications. Light-emitting diodes promise fundamentally higher efficiencies than traditional lighting technologies such as incandescent and mercury-based fluorescent lamps. Lighting accounts for about 20% of nationwide electricity use. Switching older lighting technologies to high efficiency LED lighting could reduce this electricity consumption in half. That is, an overall 10% reduction in nationwide electricity use. This is a savings of 1100 Terra-Watt-hours/year in energy consumption (or ~ $100B/year energy costs) and a 200M tons/year reduction in global carbon emissions annually. In addition, it could save 125 GW/year in electricity generation requirements ($50B construction cost or more). The present invention contributes directly to LED lighting, as the claimed invention is directed to a high-pressure apparatus that is specifically designed to fabricate materials for LED devices.

A preliminary amendment has been submitted to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully submitted,

/Lu Yin/

Lu Yin
Reg. No. 60,214

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
L1Y/y1m

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.
12/133,365	06/05/2008	MARK P. D'EVELYN	027364-000400US	9541

20350 7590 01/25/2011

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
BRATLAND, KENNETH ARNOLD	
ART UNIT	PAPER NUMBER
1714	
MAIL DATE	DELIVERY MODE
01/25/2011	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.

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

01/25/2011

In re Application of	:	
D'Evelyn	:	DECISION ON PETITION
Application No. 12/133,365	:	TO MAKE SPECIAL UNDER
Filed: 6/5/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **027364-000400US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/14/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 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. It is not agreed that the application on its face meets that materiality standard.

Applicants claims are directed to a capsule and method for processing materials in supercritical fluids. There is mention of any LED in the claims and nothing in the claims would limit the invention to this specific embodiment. The fact that the present invention is "related to" LEDs does not meet the criteria for the pilot program.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1714 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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ZHEN ZHENG LU
1730 HUNTINGTON DRIVE #304
DUARTE CA 91010

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Jianming Yu :
Application No. 12/133,368 : ON PETITION
Filed: June 5, 2008 :
Attorney Docket No. **AWUP48-PAT58** :

This is a decision on the petition, filed May 18, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision and be entitled **"Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181."** *See* 37 CFR 1.181(f).

On October 12, 2010, the Office mailed a communication concerning the application (Notice), which set a period of reply of one (1) month or thirty (30) days whichever is longer. The application was held abandoned for failure to submit a timely response to the Notice. On May 9, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment since a response (amendment) was filed on October 8, 2010.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates the petitioner filed a reply on October 8, 2010. However, the reply was filed (*in response to the Notice sent previously on July 8, 2010*) without the required fee for two (2)-month extension of time. Accordingly, the response filed on October 8, 2010, was considered to be untimely and was

not entered. Therefore, the Office only considered the response filed on August 5, 2010, and a Notice was mailed on October 12, 2010, giving petitioner new time period to respond. The Notice mailed October 12, 2010, stated "[s]ince the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)." As the petitioner did not timely respond to the Notice of October 12, 2010, the application was properly held abandoned for failure to respond and the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$930.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $930.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary

Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By 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 JoAnne Burke at (571) 272-4584.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement

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ZHEN ZHENG LU
1730 HUNTINGTON DRIVE #304
DUARTE CA 91010

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
Jianming Yu :
Application No. 12/133,368 : DECISION ON PETITION
Filed: June 5, 2008 :
Attorney Docket No. **AWUP48-PAT58** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2011, to revive the above-identified application.

This application became abandoned for failure to respond to the communication concerning the application (Notice) of October 12, 2010, which set a period of reply of one (1) month or thirty (30) days whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2010.

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 an amendment, (2) the petition fee of $930, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1712 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAY 03 2011

OFFICE OF PETITIONS

Allan C. Entis Ph.D., Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv 69719 IL ISRAEL

In re Application of	:	
Vered HADAD	:	DECISION GRANTING PETITION
Application No. 12/133,417	:	UNDER 37 CFR 1.137(b)
Filed: June 5, 2008	:	
Atty. Docket No.: C064-P1159-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 4, 2010, which had a shortened statutory reply period of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. The application became abandoned on September 5, 2010. A Notice of Abandonment was mailed December 22, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed June 4, 2010, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

It is noted that Petitioner of the instant petition is not the attorney of record. Petitioner has appointed a representative to conduct all business before the Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or authorization of agent must be submitted. A correspondence address must be included on the correspondence instructing the Office where all future communications should be mailed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1746 for further action on the filed response.

Anthony Knight
Director
Office of Petitions

cc: Vered Hadad
37 Hashikun, Abu Gosh
90845 ISRAEL

UNITED STATES PATENT AND TRADEMARK OFFICE

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BASF CATALYSTS LLC
100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Xinsheng Liu et al. :
Application No. 12/133,465 : DECISION ON PETITION
Filed: June 05, 2008 :
Attorney Docket No. **5068A** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 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 February 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 17, 2009. Accordingly, the date of abandonment of this application is February 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 payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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. : **8027073**
Ser. No. : **12/133502**
Inventor(s) : **LIM, KYUNG MIN**
Issued : **09/27/2011**
Title : **IMAGE FORMING APPARATUS WITH LASER SCANNING DEVICE AND METHOD OF ALIGNING THE LASER SCANNING DEVICE**
Docket No. : **2294.1096**

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 11 Line 19 and Column 12 Line 28 are printed in accordance with the Claims filed on 3-10-11.

In view of the foregoing, your request, in this matter, is hereby denied.

A Certificate of Correction can be issued if the request is accompanied by the $100 fee required for the applicant's mistake. 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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,505	06/05/2008	Alexander K. Andrianov	24440-21	9787

27162 7590 12/07/2011

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO
5 BECKER FARM ROAD
ROSELAND, NJ 07068

EXAMINER	
JIANG, LISHA	
ART UNIT	**PAPER NUMBER**
1712	
MAIL DATE	**DELIVERY MODE**
12/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DEC 07 2011

Mailed :
In re Application of : DECISION ON
Andrianov et al. : PETITION
Serial No. 12/133,505 :
Filed: June 5, 2008 :
For: **METHODS AND SYSTEMS FOR COATING A MICRONEEDLE WITH A DOSAGE OF A BIOLOGICALLY ACTIVE COMPOUND**

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on July 29, 2011. The petition is based on the restriction of 2/14/11. The Examiner withdrew the initial restriction requirement in the Office Action of 11/7/11 and has issued a new restriction.

DECISION

The petition is **DISMISSED.**

Karen M. Young
Director, TC 1700
Chemical and Materials Engineering

wk

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO
5 BECKER FARM ROAD
ROSELAND NJ 07068

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MAILED

MAR 10 2011

OFFICE OF PETITIONS

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

In re Application of :
Brett C. Tanis-Likkel, et al. :
Application No. 12/133,512 : ON PETITION
Filed: June 5, 2008 :
Attorney Docket No.: 63160US003 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 24, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 10, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 10, 2010. A Notice of Abandonment was mailed on December 29, 2010. On January 24, 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 the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Shingo Ohkawa, et al.	:	
Application No. 12/133,527	:	DECISION GRANTING PETITION
Filed: June 5, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 09792909-7306	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 21, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 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 should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2885 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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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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.
12/133,630	06/05/2008	Robert P. Morris	I531/US	1059

49277 7590 09/26/2011

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, NC 27607

EXAMINER	
DUONG, THOMAS	

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 26 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Scenera Research, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:
Morris
Appl. No.: 12/133,630
Filed: June 5, 2008
For: **METHOD AND SYSTEM FOR PROVIDING A SUBSCRIPTION TO A TUPLE BASED ON A SCHEMA ASSOCIATED WITH THE TUPLE**

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 September 20, 2011. This is the fourth petition for suspension.

The petition is **GRANTED**.

Pursuant to applicant's request filed on September 20, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from the mailing 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 Christopher Grant whose telephone number is (571) 272-7294.

/Christopher Grant/
Christopher Grant, WQAS
Technology Center 2400

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/09/12

TO SPE OF : ART UNIT: 2129 Attn: GAFFIN JEFFREY A (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/133704 Patent No.: 8082217

CofC mailroom date: 02/29/2012

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 1 & 7
Should these claims be corrected 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: _____

SPE 2129 Art Unit

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LORD CORPORATION
PATENT & LEGAL SERVICES
111 LORD DRIVE
P.O. Box 8012
CARY NC 27512-8012

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
James R. HALLADAY	:	
Application No. 12/133,718	:	DECISION ON PETITION
Filed: June 05, 2008	:	
Attorney Docket No. IR-3521 (MVE)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 03, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed June 18, 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 July 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Restriction Requirement of June 18, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3726 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/133,734	06/05/2008	Youichi Tobita	327473US2	1222

7590 11/24/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/24/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 11/23/2010 [illegible]
05/06/2008 INTERNAL [illegible] 12133734
[illegible] FC:1111 -210.00 OP
[illegible] FC:1202 -[illegible] OP
[illegible] FC:1201 -210.00 OP
[illegible] FC:1203 -[illegible] OP

FORM PET651G (Rev. 08/07)

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GARRETT IP, LLC
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
James P. Smith :
Application No. 12/133,749 : DECISION ON PETITION
Filed: June 5, 2008 :
Attorney Docket No. 0014.0040000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 2, 2010. A Notice of Abandonment was mailed on March 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 2821 for appropriate action by the Examiner in the normal course of business on the reply received April 15, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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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.
12/133,846	06/05/2008	Koji Shima	008312-0371267	1446

7590 02/25/2011

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
VU, HUY DUY	

ART UNIT	PAPER NUMBER
2461	

NOTIFICATION DATE	DELIVERY MODE
02/25/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	0	"12133929".app.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 14:57
S2	1	"12/133929".app.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 14:57
S3	1	"5546930".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 17:28
S4	55	("1050484" | "2992645" | "3731691" | "4240417" | "4510933" | "4516573" | "4747403" | "4829998" | "4838258" | "4852563" | "4938210" | "4967744" | "5069204" | "5119807" | "5186166").PN. OR ("5546930").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 17:33
S5	25	("3612048" | "4061698" | "4552142" | "5036842" | "5245996" | "5329921" | "5471979" | "5546930" | "5590644" | "5671729" | "5746199" | "5829428" | "6095135" | "6415788"). PN. OR ("6588421").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 18:09
S6	32	("4951661" | "5474058" | "5546930" | "5720282" | "5769073").PN. OR ("6014972").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/27 18:26
S25	99	US-3731678-$.DID. OR US-3747598-$.DID. OR US-3881482-$.DID. OR US-4061698-$.DID. OR US-4090513-$.DID. OR US-4318398-$.DID. OR US-4805609-$.DID. OR US-4825863-$.DID. OR US-5383447-$.DID. OR US-5482031-$.DID. OR US-5505768-$.DID. OR US-5546930-$.DID. OR US-5590644-$.DID. OR US-5605149-$.DID. OR US-5690099-$.DID. OR US-5701891-$.DID. OR US-5727616-$.DID. OR US-5829428-$.DID. OR US-	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/28 10:00

		6095135-$.DID. OR US-6103181-$.DID. OR US-6105576-$.DID. OR US-6155252-$.DID. OR US-6330883-$.DID. OR US-6363930-$.DID. OR US-6415788-$.DID. OR US-6269813-$.DID. OR US-6478026-$.DID. OR US-6550476-$.DID. OR US-6588421-$.DID. OR US-6588427-$.DID. OR US-6745766-$.DID. OR US-6769430-$.DID. OR US-6792430-$.DID. OR US-6792946-$.DID. OR US-6918389-$.DID. OR US-6951216-$.DID. OR US-6968841-$.DID. OR US-6976488-$.DID. OR US-7069928-$.DID. OR US-7146979-$.DID. OR US-20040084046-$.DID. OR US-20040118402-$.DID. OR US-20040123974-$.DID. OR US-20040255952-$.DID. OR US-20050178381-$.DID. OR US-20060157056-$.DID. OR US-20060219243-$.DID. OR US-20060283447-$.DID. OR US-3928530-$.DID. OR DE-19900628-$.DID. OR US-9010775-$.DID. OR WO-19900920-$.DID. OR EP-19960911-$.DID. OR JP-19980908-$.DID. OR WO-20000120-$.DID. OR WO-20020404-$.DID. OR US-7202004-$.DID. OR US-2004008-$.DID. OR DE-20040930-$.DID. OR US-1192968-$.DID. OR EP-20041103-$.DID. OR EP-20041103D-$.DID. OR WO-20050526-$.DID. OR WO-20050630-$.DID. OR WO-20060727-$.DID.				

S26	14	US-6550476-$.DID. OR US-20040084046-$.DID. OR US-20060219243-$.DID. OR US-20070267010-$.DID. OR US-1068889-$.DID. OR US-3102005-$.DID. OR US-2005007-$.DID.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/28 10:00
S27	14	US-4177945-$.DID. OR US-4699136-$.DID. OR US-4951659-$.DID. OR US-5460172-$.DID. OR US-6014972-$.DID. OR US-20050139211-$.DID. OR US-20050252509-$.DID.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/28 10:00
S28	68	S25 or S26 or S27	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/28 10:01
S29	121	S25 or S26 or S27	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/28 10:01
S30	83	("2912982" | "3721238" | "3747598" | "3782081" | "3932153" | "4036616" | "4040804" | "4063913" | "4090513" | "4108172" | "4133656" | "4148732" | "4168706" | "4171962" | "4172709" | "4181511" | "4181512" | "4200094" | "4224939" | "4297117" | "4360018" | "4367734" | "4458679" | "4516573" | "4597917" | "4707167" | "4771770" | "4790327" | "4829997" | "5016628" | "5022394" | "5035236" | "5038767" | "5109471" | "5143060" | "5172686" | "5195527" | "5213096" | "5228435" | "5230727" | "5255674" | "5320096" | "5337739" | "5360002" | "5383447" | "5386825" | "5390668" | "5435298" | "5435299" | "5460172" | "5462048" | "5468451" | "5482031" | "5487382" | "5505768" | "5546930" | "5558088" | "5570684" | "5577494" | "5590644" | "5647344" | "5906201").PN. OR ("5992413").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/28 10:12

S31	10	((NEIL) near2 (KORNEFF)).INV.	US-PGPUB; USPAT	OR	ON	2011/04/28 10:21
S32	1974	128/201.13,203.12.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/28 10:26
S33	17	size near2 HME	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/28 16:27

4/29/2011 9:30:56 AM
C:\Documents and Settings\bphilips\My Documents\EAST\Workspaces\12133929.wsp

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BLUE LEAF I.P., INC.
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M.S. 641
NEW HOLLAND, PA 17557

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Verhaeghe et al. :
Application No. 12/134,067 : ON PETITION
Filed: June 5, 2008 :
Attorney Docket No. 18938 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 24, 2010, as required by the Notice of Allowance and Fee(s) Due mailed February 23, 2010. Accordingly, the application became abandoned on May 25, 2010. A Notice of Abandonment was mailed 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 payment of the issue fee of $1,510, (2) the petition fee of $1,620, 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 change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: PATRICK SHELDRAKE
500 DILLER AVENUE
P O BOX 1895 MS 641
NEW HOLLAND, PA 17557

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MICHAEL A. RAHMAN
5664 MALLARD TRACE
FRISCO TX 75034

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Sanguinetti et al.	:	DECISION ON PETITION
Application No. 12/134,126	:	TO WITHDRAW
Filed: June 5, 2008	:	FROM RECORD
Attorney Docket No. 1500-1006	:	

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b) filed March 16, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **NOT APPROVED.**

A review of the file record indicates that Kirk William Hermann does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. The power of attorney received on both July 31, 2009 and October 7, 2009 was never accepted due to the lack of a Statement under 37 CFR 3.73(b), which is required when the assignee wishes to take action in an application. As such, Mr. Hermann was never appointed power of attorney and the address remained unchanged. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The change of correspondence address listed in the Request cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. 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 571-272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: KIRK WILLIAM HERMANN
5661 DERBY COURT, #202
ALEXANDRIA, VA 22311

DAVE SANGUINETTI
10309 PACIFIC CENTER COURT
SAN DIEGO, CA 92121

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	12134128
Filing Date	05-Jun-2008
First Named Inventor	Erik Brandon
Art Unit	2835
Examiner Name	NGUYEN HA
Attorney Docket Number	CIT-4753/CALTP008
Title	LOW TEMPERATURE DOUBLE-LAYER CAPACITORS

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	/Bradley K. Lortz/
Name	Bradley K. Lortz
Registration Number	45472

UNITED STATES 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 14,2011

In re Application of :

Erik Brandon

Application No : 12134128

Filed : 05-Jun-2008

Attorney Docket No : CIT-4753/CALTP008

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed November 14,2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice 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