Attorney Docket No. CTI-027

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jason S. Newcom et al.		
Application No.:	12/207,601	Confirmation No:	1016
Filed:	September 10, 2008	Group Art Unit.:	1614
		Examiner	Habte, Kahsay
For:	BENZO-FUSED HETEROCYCLES		

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

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102 AND PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN UNDER 74 F.R. 62285 AND 75 F.R. 36063

Sir:

Pursuant to the regulations promulgated in 74 F.R. 62285 of November 27, 2009 and 75 F.R. 36063 of June 24, 2010 applicants request the above-cationed application be accorded special status for examination in view of the following:

Applicant has expressly abandoned a previously co-pending application that was filed before October 1, 2009: U.S. Serial No. 12/040,565 filed February 29, 2008.

In compliance with 74 F.R. 62285 and 75 F.R. 36063, the following conditions are met:

1. The application for which special status is sought is a non-provisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27. (Although the latter requirement has been eliminated under 75 F.R. 36063);

2. Applicant has another copending non-provisional 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 non-provisional application are owned by the same party or name at least one inventor in common;

4. Applicant has filed a letter of express abandonment under 37 CFR 1.138(a) signed in compliance with 37 CFR 1.33(b)(1), (b)(3) or (b)(4) (37 CFR 1.138(b)) in the copending non-provisional application before it has been taken up for examination and includes a letter stating that applicant has not and will not file a new application that claims the same invention claimed in this expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);

5. Applicant has filed this petition under 37 CFR 1.102 in the application for which special status is sought.

As specified in the above-cited regulations, copy of the abandonment letter containing the required statements filed in expressly abandoned application USSN 12/040,565 is included with this submission.

Applicants believe that no fee is due in connection with the filing of this Petition to Make Special in view of the *sua sponte* waiver of the petition fee by the Office in connection with filings under 74 F.R. 62285, published November 27, 2009 and as extended under 75 F.R. 36063, published June 24, 2010.

Respectfully submitted,

Date: September 1, 2010

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Algis Anilionis,
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MAILED

SEP 17 2010

OFFICE OF PETITIONS

In re Application of :
NEWCOM, et al. :
Application No. 12/207,601 :
Filed: September 10, 2008 :
Attorney Docket No. **CTI-027** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed September 1, 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 Items 4b, 4c, 5c, and 5d above.

More specifically, the letter of Express Abandonment filed in Application No. 12/040,565, does not, in regard to Items 4a-c above, include the required statements directed thereto that the applicant (b) has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and (c) agrees not to request a refund of any fees paid in the expressly abandoned application.

The petition filed in the present application, i.e., Application No. 12/207,601, does not, in regard to Items 5(c) and 5(d), provide the required statements that applicant (d) has not filed petitions in more than fourteen (14) other applications requesting special status under this program, and (e)

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 presents of such statements in the Express Abandonment, Corrected Express Abandonment, or copies thereof submitted with the petition are not sufficient to satisfy these requirements.

In view of the above, the present petition to make special must be dismissed.

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

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

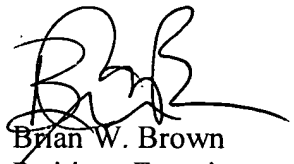
By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 1624 for action in its regular turn.



Brian W. Brown
Petitions Examiner
Office of Petitions

Attorney Docket No. CTI-027

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jason S. Newcom et al.		
Application No.:	12/207,601	Confirmation No:	1016
Filed:	September 10, 2008	Group Art Unit.:	1614
		Examiner	Habte, Kahsay
For:	BENZO-FUSED HETEROCYCLES		

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

RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102

Sir:

This Renewed Petition is in response to the Decision On Petition To Make Special Under 37 C.F.R. 1.102 in the above-captioned application mailed from the Office of Petitions on September 17, 2010. Applicant respectfully requests reconsideration of the dismissal of the Petition requesting that the above-captioned application be accorded special status for examination in view of the following:

Applicant has expressly abandoned a previously co-pending application that was filed before October 1, 2009: i.e. U.S. Serial No. 12/040,565.

In compliance with 74 F.R. 62285 and 75 F.R. 36063, the following conditions are met:

1. The application for which special status is sought is a non-provisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27. (Although the latter requirement has been eliminated under 75 F.R. 36063);

2. Applicant has another copending non-provisional 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 non-provisional application are owned by the same party or name at least one inventor in common;

4. Applicant has filed a letter of express abandonment under 37 CFR 1.138(a) signed in compliance with 37 CFR 1.33(b)(1), (b)(3) or (b)(4) (37 CFR 1.138(b)) in the copending non-provisional application before it has been taken up for examination and includes a letter stating that applicant has not and will not file a new application that claims the same invention claimed in this expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);

5. Applicant has filed this petition under 37 CFR 1.102 in the application for which special status is sought.

A copy of the (corrected) Abandonment Letter filed August 30, 2010 filed in expressly abandoned application, USSN 12/040,565 and containing the required statements, is included with this submission as specified in the above-cited regulations.

A copy of the Letter of Express Abandonment of U.S. Serial No. 12/040,565 is co-filed with this Renewed Petition. The Letter of Express Abandonment includes the following statements:

(1) Applicant has not and will not file a new application that claims the same invention claimed in this expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);

(2) Applicant has not received special status for more than fourteen other applications under this program;

(3) (iv) Applicant agrees to make an election without traverse in a telephonic interview if the US Patent and Trademark Office determined that the claims of the application to be made special are directed to two or more independent and distinct inventions (See 35 U.S.C. 121, 37 C.F.R. 1.141-142).

Applicant further hereby agrees not to request a refund of any fees paid in the expressly abandoned application, U.S. Serial No. 12/040,565.

The above statements comply with the requirements of items 4b, 4c, 5c and 5d repectively, cited in the Dismissal Letter of September 17, 2010 as lacking from the original Petition to Make Special Under 37 C.F.R. 1.102.

Therefore, Applicant asserts that the requirements of the Patent Application Backlog Reduction Stimulus Plan set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010) have been met.

In view of the above recited submissions, Applicant respectfully requests withrawal of the dismissal of the Petition to Make Special U.S. Serial No. 12/207,601 and grant of this Renewed Petition to Make Special. Applicant earnestly requests that the Office contact the undersigned attorney of record with any issues that may remain concerning this Renewed Petition.

Applicants believe that no fee is due in connection with the filing of this Petition to Make Special in view of the *sua sponte* waiver of the petition fee by the Office in connection with filings under 74 F.R. 62285, published November 27, 2009 and as extended under 75 F.R. 36063, published June 24, 2010.

Respectfully submitted,

Date: September 22, 2010

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UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
NEWCOM, et al. :
Application No. 12/207,601 :
Filed: September 10, 2008 :
Attorney Docket No. **CTI-027** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the Renewed Petition under 37 CFR 1.102, filed September 22, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010).

The Renewed 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 Items 4a-c, 5c, and 5d above.

The Letters of Express Abandonment, i.e., the EXPRESS ABANDONMENT IN COMPLIANCE WITH PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN UNDER 75 F.R. 36063) and the "CORRECTED EXPRESS ABANDONMENT IN COMPLIANCE WITH PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN UNDER 75 F.R. 36063) concurrently filed on August 30, 2010 in Application No. 12/040,565 (hereinafter "the '565 Application"), does not clearly expressly abandon the '565 Application since the letters of Express Abandonment identify two separate and distinct applications for abandonment. More specifically, the letters of Express Abandonment state that

"Applicant hereby Expressly Abandons the above-captioned application USSN 12/004/134...", the "above-captioned application" being the '565 Application.

Even if the Letters of Express Abandonment, in fact, effectively abandoned the '565 Application, the content of such Letters of Express Abandonment is insufficient to satisfy all of the cumulative Express Abandonment requirements set forth in the above-identified Federal Register Notices because neither letter of Express Abandonment, either alone or in combination, included the required statements that applicant:

1. 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 (Item 4b above), and

2. (c) agrees not to request a refund of any fees paid in the expressly abandoned application (Item 4c above).

Petitioner's comments urging that applicants have complied with the requirements for the Letter of Express Abandonment filed in the '565 Application have been considered, but are not persuasive. Petitioner's statement that "[a] copy of the (corrected) Abandonment Letter filed August 30, 2010 filed [sic] in expressly abandoned application, USSN 12/040,565 and containing the required statements, is included with this submission as specified in the above-cited regulations" is not understood. A review of the "copy of the (corrected) Abandonment Letter...included with this submission" reveals that it contains a corrective interlineation that was not included as a part of the Express Abandonment filed August 30, 2010 in the '565 Application. This interlineation is un-initialed, un-dated, crosses out "12/004,134" and adds --12/040,565-- there over, and fails to resolve any deficiency with the letters of Express Abandonment filed in the '565 Application.

74 Federal Register Notice 62285 (November 27, 2009) states, in part, that:

> "The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions...(4) the applicant files a letter of express abandonment...and 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
>
> that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application."

75 Federal Register Notice 36063 (June 24, 2010) states, in part, that:

> "the following new requirements are added to the program: (1) The letter of express abandonment filed in the copending nonprovisional application must also 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 (the phrase 'same invention' has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101)".

To overcome the above express abandonment deficiencies, applicant should file a newly executed letter of Express Abandonment in the '565 Application that clearly expressly abandons the '565 Application and includes each of the required statements set forth in Item 4a-c above.

In regard to Items 5c and 5d, the original Petition, filed September 21, 2010, and the present Renewed Petition, filed September 22, 2010, in the present application, .i.e. Application No. 12/207,601 (hereinafter "the '601 Application), for which special status is being sought does not include the required statements that applicant:

3. has not filed petitions in more than fourteen (14) other applications requesting special status under this program (Item 5c), and

4. 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 (Item 5d).

Petitioner's comments urging that applicants have complied with the requirements for the Petition to Make Special filed in the '601 Application have been considered, but are not persuasive.

74 Federal Register Notice 62285 (November 27, 2009) also states, in part, that:

> "The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:
>
> (1) The application for which special status is sought is a Nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
>
> (2) the applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53...;
>
> (3) the application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common...; and
>
> (5) the applicant files a petition under 37 CFR 1.102 in the application for which special status is sought...."

75 Federal Register Notice 36063 (June 24, 2010) eliminates the previously noted small entity status requirement and also states, in part, that:

> "the following new requirements are added to the program...:
>
> (2) the application has not received special status for more than fourteen other applications under this program; and
>
> (3) the petition under 37 CFR 1.102 must also:
>
> > (i) Include a specific identification of the relationship between the applications...;
> >
> > (ii) identify, by application number if available, the application that is being expressly abandoned;
> >
> > (iii) provide a statement certifying that applicant has not filed petitions in more than fourteen other applications...; and
> >
> > (iv) provide a statement that applicant agrees to make an election without traverse in a telephone interview..."

The original and Renewed Petitions, as is set forth further above, do not, relative to the '601 Application, state that applicant:

> has not filed petitions in more than fourteen (14) other applications requesting special status under this program (Item 5c above), and
>
> 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 (Item 5d above).

These statements, which were made in (1) the Letters of Express Abandonment filed in the '565 Application and (2) in comments about the content such Letters of Express Abandonment in the original and Renewed Petitions, are all specifically directed to the '565 Application being abandoned and not the '601 Application for which special status is sought. Lacking all of the required statements specifically directed to the '601 Application in the petition to make special, the present renewed Petition must likewise be dismissed.

To overcome the petition deficiencies, applicant should file a further Renewed Petition that includes all the required statements specifically therein and directed to the '601 Applicant, i.e., the application for which special status is sought.

Should any further Renewed Petition to Make Special be filed, any failure to fully comply with all of the collective requirements set forth in the Federal Register Notices, may result in the issuance of a final agency action denying the requested special status.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 1624 for action in its regular turn.

Brian W. Brown
Petitions Examiner
Office of Petitions

Attorney Docket No. CTI-027

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jason S. Newcom et al.		
Application No.:	12/207,601	Confirmation No:	1016
Filed:	September 10, 2008	Group Art Unit.:	1614
		Examiner	Habte, Kahsay
For:	BENZO-FUSED HETEROCYCLES		

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

FURTHER

RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102

Sir:

This Further Renewed Petition is in response to the Decision On Petition To Make Special Under 37 C.F.R. 1.102 in the above-captioned application mailed from the Office of Petitions on October 01, 2010.

In compliance with 74 F.R. 62285 and 75 F.R. 36063, and as detailed in the Decision On Petition To Make Special [Under] 37 CFR 1.102 mailed October 01, 2010, the following conditions are met:

1. The application for which special status is sought (U.S. Serial No. 12/207,601) is a non-provisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27. (Although the latter requirement has been eliminated under 75 F.R. 36063);

2. Applicant has another co-pending non-provisional application (i.e. U.S. Serial No. 12/040,565) 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 (U.S. Serial No. 12/207,601) and the other co-pending non-provisional application (U.S. Serial No. 12/040,565) are owned by the same party or name at least one inventor in common;

4. Applicant has filed a letter of express abandonment under 37 CFR 1.138(a) signed in compliance with 37 CFR 1.33(b)(1), (b)(3) or (b)(4) (37 CFR 1.138(b)) in the co-pending non-provisional application before it has been taken up for examination and
    (a) includes a statement that applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);
    (b) includes with the letter of express abandonment a statement 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
    (c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

5. Applicant has filed this 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 the applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

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

In the Decision On Petition To Make Special [Under] 37 CFR 1.102 of October 01, 2010, in addition to certain informalities that have been corrected herein, the Office asserted that the previously filed petition lacks items 4a-c, 5c and 5d above. Applicant herewith requests reconsideration of the dismissal of the Petition requesting that the above-captioned application be accorded special status for examination in view of the following:

Applicant has expressly abandoned a previously co-pending application that was filed before October 1, 2009: i.e. U.S. Serial No. 12/040,565. A copy of the (Amended and Restated) Abandonment Letter of October 21, 2010 filed in expressly abandoned case, U.S. Serial No. 12/040,565 containing the required statements, is included with this submission as specified in the above-cited regulations.

A copy of the Amended and Restated Letter of Express Abandonment of U.S. Serial No. 12/040,565 is co-filed with this Further Renewed Petition. In response to the Dismissal mailed October 01, 2010, the Amended and Restated Letter of Express Abandonment of U.S. Serial No. 12/040,565 co-filed with this Further Renewed Petition includes the following:

(1) A statement that applicant has not and will not file a new application that claims the same invention claimed in this expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);

(2) A statement that applicant has not received special status for more than fourteen other applications under this program;

(3) A statement that applicant agrees to make an election without traverse in a telephonic interview if the US Patent and Trademark Office determined that the claims of the application to be made special are directed to two or more independent and distinct inventions (See 35 U.S.C. 121, 37 C.F.R. 1.141-142).

(4) Applicant has filed a letter of express abandonment under 37 CFR 1.138(a) signed in compliance with 37 CFR 1.33(b)(1), (b)(3) or (b)(4) (37 CFR 1.138(b)) in the co-pending non-provisional application before it has been taken up for examination and

   a. includes a statement that applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101);
   b. includes with the letter of express abandonment a statement 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
   c. the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) Applicant has filed this 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 the applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

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

In compliance with items 5(a) – (d) recited above, Applicant now states the following:

In this Further Renewed Petition To Make Special Under 37 C.F.R. 1.102 in the above-captioned application for which special status is sought:

a. Applicant hereby specifically identifies the relationship between the abandoned application that qualifies the present application for special status as follows: The Expressly Abandoned application, U.S. Serial No. 12/040,565 and the above-captioned application for which special status is sought, U.S. Serial No. 12/207,601 are each owned by Cara Therapeutics, Inc. and also have an inventor (Gary R. Gustafson) in common; the applications have no other relationship and have no priority applications in common;
b. Applicant herein identifies by application number, the application (i.e. U.S. Serial No. 12/040,565) that is being expressly abandoned;
c. Applicant hereby certifies that it has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
d. Applicant hereby states that it agrees to make an election without traverse in a telephonic interview if the Office determines that the claims in the application to be made special are directed to two or more independent and distinct inventions.

Therefore, Applicant asserts that the requirements of the Patent Application Backlog Reduction Stimulus Plan set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010), and as detailed in the Dismissal letter of October 01, 2010 have been met.

In view of the above recited statements and cited submissions, Applicant respectfully requests withrawal of the Dismissal of the Petition to Make Special U.S. Serial No. 12/207,601 and grant of this Further Renewed Petition to Make Special this application. Applicant earnestly requests that the Office contact the undersigned attorney of record with any issues that may remain concerning this Renewed Petition.

Applicants believe that no fee is due in connection with the filing of this Petition to Make Special in view of the waiver of the petition fee in connection with filings under 74 F.R. 62285, published November 27, 2009 and as extended under 75 F.R. 36063, published June 24, 2010.

Respectfully submitted,

Date: October 21, 2010

/Algis Anilionis/
Algis Anilionis
Registration No. 36,995

CARA THERAPEUTICS INC.
One Parrott Drive
Shelton, CT 06484-4733
(203) 567-1521

Customer No. 68423

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Algis Anilionis,
Senior Intellectual Property Counsel
Cara Therapeutics, Inc.
One Parrott Drive
Shelton CT 06484-4733

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
NEWCOM, et al. : DECISION ON
Application No. 12/207,601 : FURTHER RENEWED PETITION
Filed: September 10, 2008 : TO MAKE SPECIAL
Attorney Docket No. **CTI-027** : 37 CFR 1.102

This is a decision on the Further Renewed Petition under 37 CFR 1.102, filed October 21, 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 Further Renewed 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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JUN 02 2011

OFFICE OF PETITIONS

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

In re Application of :
Yves Arramon :
Application No. 12/207,635 :
Filed: September 10, 2008 :
Attorney Docket No. **022031-003810US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

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

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

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

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

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

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

JoAnne Burke
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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NOV 01 2011

OFFICE OF PETITIONS

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

In re Application of :
Shinada SATOSHI et al. : ON PETITION
Application No. 12/207,723 :
Filed: September 10, 2008 :
Atty. Docket No.: 524941/0038

This is a decision on the petition, filed October 17, 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.**

The application was held abandoned as a result of the failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period in 37 CFR 41.37(a)(1). A Notice of Appeal with a three (3) month extension of time under the provisions of 37 CFR 1.136(a) was filed on July 29, 2011. A Notice of Abandonment was mailed October 13, 2011.

Petitioner asserts that the Notice of Abandonment mailed October 13, 2011 be withdrawn as it was premature. As the Notice of Appeal and fee was filed July 29, 2011, an appeal brief (and fee) can be filed by March 2, 2012 with a five (5) month extension of time.

Accordingly, the Notice of Abandonment mailed October 13, 2011 is withdrawn as premature.

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 2853 to await the filing of the an Appeal Brief or such other appropriate reply as may be submitted to continue the prosecution of the application.

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : October 27,2011

In re Application of :

Mark Battisti

Application No : 12207787

Filed : 10-Sep-2008

Attorney Docket No : RIX 002 P2

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 27,2011

The request is **APPROVED.**

The request was signed by Matthew R. Jenins (registration no. 34844) on behalf of all attorneys/agents associated with Customer Number 34232 . All attorneys/agents associated with Cusotmer Number 34232 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	Steve Harris, President
Name2	Rixan Associates, Inc.
Address 1	7560 Paragon Road
Address 2	
City	Dayton
State	OH
Postal Code	45459
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	12207787
Filing Date	10-Sep-2008
First Named Inventor	Mark Battisti
Art Unit	3651
Examiner Name	KYLE LOGAN
Attorney Docket Number	RIX 002 P2
Title	SYSTEM AND METHOD FOR RECIRCULATING PARTS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 34232

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	Steve Harris, President Rixan Associates, Inc.
Address	7560 Paragon Road
City	Dayton
State	OH
Postal Code	45459
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Matthew R. Jenkins/
Name	Matthew R. Jenins
Registration Number	34844

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G. LINK CO., LTD
3550 BELL ROAD
MINOOKA, IL 60447

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of
Tung-Ping Lee, et al.
Application No. 12/207,857
Filed: September 10, 2008
Attorney Docket No.: P1289

ON PETITION

This is a decision on the petition, filed December 28, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b). The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 22, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 23, 2008. A Notice of Abandonment was subsequently mailed on June 3, 2009. On December 28, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the $110 basic filing fee, $26 additional claim fees, $270 search fee, $110 examination fee, and the $65 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/207,873	09/10/2008	Motohiro Yasue	RYM-2018-2125	1500

23117 7590 10/11/2011

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

EXAMINER	
AMIN, BHAVESH V	
ART UNIT	**PAPER NUMBER**
3664	

MAIL DATE	DELIVERY MODE
10/11/2011	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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re application of	:	**DECISION ON REQUEST TO**
Yasue et al	:	**PARTICIPATE IN PATENT**
Application No. 12/207,873	:	**PROSECUTION HIGHWAY**
Filed: September 10, 2008	:	**PROGRAM AND PETITION**
For: MEMORY MANAGEMENT	:	**TO MAKE SPECIAL UNDER**
APPARATUS	:	**37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 16, 2011 to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

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

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

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non Final Office action was mailed on September 14, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/06/11

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DDUCAN G. BYERS, PC
142 W. YORK STREET
SUITE 910
NORFOLK, VA 23510

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of :
Raymond Scholz :
Application No. 12/207,971 : ON PETITION
Filed: September 10, 2008 :
Attorney Docket No. SCHOLZ :

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

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 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 January 2, 2011.

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

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent 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) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors nor his representing attorney herein (Duncan G. Byers) or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642

April M. Wise
Petitions Examiner
Office of Petitions

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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DUCAN G. BYERS, PC
142 W. YORK STREET
SUITE 910
NORFOLK, VA 23510

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Raymond Scholz :
Application No. 12/207,971 : DECISION ON PETITION
Filed: September 10, 2008 :
Attorney Docket No. SCHOLZ :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 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 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 January 2, 2011.

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

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

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received June 1, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DUNCAN G. BYERS PC
142 W. YORK STREET
DUITE 910
NORFOLK VA 23510

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JAN 12 2012

OFFICE OF PETITIONS

In re Application of
Raymond Scholz
Application No. 12/207,971
Filed: September 10, 2010
Attorney Docket No. SCHOLZ

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed December 27, 2011.

The request is **DISMISSED**.

Applicant files the above request for refund and states that "Back on 2008, I hired Donald W. Meeker (Patent Agent) to produce and submit Patent Application 12/2079871 (Rotational Blue Light Beam Deer Fly Eliminator) [sic .] He filed the application on September 10, 2008. In the next several years, I tracked the progress on line to see what the status was of the application. December 20, 2011, I went on line to find out my application had a non-final rejection notice and immediately emailed Mr. Meeker to find out what his meant. He replied and stated that my patent was ok and wouldn't have any problem getting it and that he would have to submit an amendment to clarify the problem and it would cost me $600. I replied with email to go ahead and submit the amendment. In January, I hadn't received a bill so I send him an email asking for the status of the amendment with no reply. In February I send a second request for status with no reply. On April 1, 2011[sic .] I sent third email requesting status. Because I hadn't heard anything back from Mr. Meeker, on April 11, 2011, I called the Patent Office to see what I had to do to get this problem resolved. I was told my patent application had expired and I would have to hire a new attorney to reopen the application (which I have done) and pay a number of fees to PTO to revive my application ($810 to revive and $865 for late filing). On April 13, 2011, I filed a grievances [sic] to the Office of Enrollment and Discipline and found out later that he had been disbarred."

However, the Office does not get involved with any disputes between attorney and their clients. Also, applicant's attention is directed to MPEP 711.03 (c) which states that:

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

The $75.00 extension fee submitted on October 17, 2011, was necessary to keep the application in pending status.

In view of the above, the request for refund is dismissed.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Dudley, Samuel C. Jr.	:	DECISION ON PETITION
Application No. 12/207,985	:	TO WITHDRAW
Filed: September 10, 2008	:	FROM RECORD
Attorney Docket No. 111828.0156	:	

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 3, 2010.

The request is **NOT APPROVED**.

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

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

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

There is an outstanding Office action, mailed March 23, 2010, which requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/207,994	09/10/2008	Changgeng Qian	4045.3022 US2	1757

38473 7590 04/04/2011
ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford, MA 01886

EXAMINER	
MCDOWELL, BRIAN E	

ART UNIT	PAPER NUMBER
1624	

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):

docketing@elmorepatents.com

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APR 0 4 2011

ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford MA 01886

In re Application of:
Qian, et al.
Serial No.: 12/207,994
Filed: September 10, 2008
Attorney Docket No.: **4045.3022 US2**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.181, filed February 17, 2011, requesting relief from the finality of the Office action mailed August 25, 2010.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicants should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1. 181 is **DISMISSED** as untimely.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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

Remy Yucel
Director, Technology Center 1600

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.
12/207,994	09/10/2008	Changgeng Qian	4045.3022 US2	1757

38473 7590 11/14/2011

ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford, MA 01886

EXAMINER	
MCDOWELL, BRIAN E	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
11/14/2011	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):

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NOV 14 2011

Edgar W. Harlan
ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford MA 01886

In re Application of :
Changgeng Qian :
Serial No.: 12/207,994 :Decision on Petition
Filed : 10 September 2008 :
Attorney Docket No.: 4045.3022 US2 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 24 November 2010 requesting reconsideration of the final Office action mailed 4 February 2010. The delay in acting upon this petition is regretted.

BACKGROUND

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

On 4 February 2010, the examiner set forth a restriction requirement which divided claims 1-11 into five groups. A further election of species was required.

On 4 March 2010, applicants elected, with traverse, Group II, and the compound 17 of Table A.

On 9 April 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 4 and 8-11 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-3 and 5-7 were examined on the merits. All non-elected subject matter was objected to and the examiner requested that applicants "amend the claims to represent subject matter of the elected invention." Claims 1-3 and 5-7 were rejected under 35 U.S.C. 112, 2nd paragraph for indefiniteness. Claims 1-3 and 5-7 were rejected under 35 U.S.C. 102(e) as being anticipated by Cai et al. Claims 1-3 and 5-7 were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement.

On 25 August 2010, the examiner mailed to applicants a final Office action in which Claims 4 and 8-11 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-3 and 5-7 were examined on the merits. The rejection under 35 U.S.C. 112, 1st and 102 were maintained.

On 24 November 2010, applicants filed this petition.

A petition filed 17 February 2011 under 37 CFR 1.181 for review of the final action was dismissed as untimely.

An Appeal Brief was filed 24 May 2011.

DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that restriction requirement improperly created groupings out of alternatives recited in Markush claim 1 and created a "catch-all" group III. See for example the manner in which product claims are divided into Groups I, II and III.

I. Claims 1-7, drawn to compounds of the formula II and simple compositions thereof wherein $X_1 = X_2 = X_3 = CR_{21}$, $Y = NR_8$, $Z_1 = NR_8$ or O, and $Z_2 = Z_3 = CR_{21}$, classified in class 544, subclass 293.

II. Claims 1-7, drawn to compounds of the formula II and simple compositions thereof wherein $X_1 = X_2 = X_3 = CR_{21}$, $Y = O$, $Z_1 = NR_8$ or O, and $Z_2 = Z_3 = CR_{21}$, classified in class 544, subclass 287.

III. Claims 1-7, drawn to compounds of the formula I and simple compositions thereof not embraced by groups I-II, (e.g., $X_1 = X_2 = X_3 = N$, $Y = S$, $Z_1 = NR_8$ or O, and $Z_2 = Z_3 = CR_{21}$), classified in class 544, subclass 180+.

This is not appropriate in terms of providing a clear record for filing of divisional applications. The restriction similarly divided process of use claim 8 into 3 Groups:

IV. Claims 8, 9, and 11, drawn to a method of treating a cell proliferative disorder in a subject via administering compounds of either groups I-III (applicant must elect one group) to a patient in need thereof, classified in class 514, subclass various.

The process of use claim 10 was also divided into three subgroups. In each instance, the subdivisions were directed to claims which use Markush format, or which depended upon claims

written in Markush format. This type of intraclaim restriction is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these guidelines and the guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Product Groups I, II and III) is found to be unwarranted. Similar remedy is provided for the method of using inventions of Claims 8-11 for the intraclaim restriction requirements.

Next, the petition requests reconsideration of the restriction required between Claims 8-11. The examiner characterized claims 8, 9 and 11 as being in Group IV, directed to methods of treating cell proliferative disorder, while claim 10 was groups in Group V, as being directed to a method of treating HDAC-mediated disorder. In both groups, the active step (administering a therapeutically effective amount of the pharmaceutical composition of Claim 7) was the same. Group IV and V were placed in the same class and subclass for examination.

> 8. (Withdrawn) A method of treating a cell proliferative disorder in a subject in need thereof, the method comprising administering to the subject a therapeutically effective amount of the pharmaceutical composition of Claim 7.
>
> 10. (Withdrawn) A method of treating an HDAC-mediated disease comprising administering to a subject in need thereof a pharmaceutical composition of Claim 7.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 24 November 2010 is **GRANTED** as follows.

The intra-claim restriction requirement made between the product of Groups I, II and III on 6 January 2010 has been withdrawn.

The requirement for a provisional election of species is maintained.

The restriction requirement made within Group IV has been withdrawn.

The restriction requirement made within Group V has been withdrawn.

The restriction requirement made between Group IV and V has been withdrawn.

The application will be forwarded to the examiner's amended docket to consider the papers 24 May 2011 and prepare an action consistent with this petition decision.

Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011. Upon allowability of the product claims, the process claims should be considered for rejoinder according to MPEP 821.04(b).

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

Remy Yucel
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING DEPARTMENT
P.O. BOX 7037
ATLANTA, GA 30357-0037

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Jason BOOTSMA :
Application No. 12/208,127 :
Filed: September 10, 2008 :
Attorney Docket No. **257052-1450** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **WOMBLE CARLYLE SANDRIDGE & RICE, PLLC** 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 the undersigned at 571-272-7253.

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

cc: **SWISS TANNER, PC**
P.O. BOX 1749
4 MAIN STREET, SUITE 100
LOS ALTOS, CA 94022

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United States Patent and Trademark Office
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DUCKOR SPRADLING METZGER & WYNNE
A LAW CORPORATION
3043 4TH AVE.
SAN DIEGO CA 92103

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of :
Louis et al. :
Application Number: 12/208,274 : ON PETITION
Filing Date: 09/10/2008 :
Attorney Docket Number: 9605-102 :

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 January 14, 2011, for failure to file a proper reply to the final Office action mailed on July 13, 2010, which set a three (3) month shortened statutory period for reply. On January 13, 2011, an amendment after final rejection accompanied by a three (3) month extension of time under 37 CFR 1.136(a) was filed. On January 27, 2011, however, the Office mailed an Advisory Action Before the Filing of an Appeal Brief, stating that the reply failed to place this application in condition for allowance. Notice of Abandonment was mailed on February 2, 2011.

Receipt of the Request for Continued Examination and submission under 37 CFR 1.114 filed on February 10, 2011, is acknowledged.

The application is forwarded to Technology Center Art Unit 3753 for further processing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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JAN 20 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
SAKAMAKI, KATSUYA
Application No. 12/208,431
Filed: September 11, 2008
Attorney Docket No. **08597/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

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United States Patent and Trademark Office
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OCT 18 2010

OFFICE OF PETITIONS

MICHAEL A. O'NEIL, P.C.
8150 NORTH CENTRAL EXPRESSWAY
SUITE 1150
DALLAS, TX 75206

In re Application of	:	
Terry M. ROBERTS, et al	:	
Application No. 12/208,459	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. 500840-1002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 3, 2010.

The request is **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 Darin M. Klemchuk on behalf of the attorneys of record associated with Customer No. 38406.

The attorneys of record associated with Customer No. 38406 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: TERRY ROBERTS
AIRGATE, TECHNOLOGIES, INC.
6812 DALMATION CIRCLE
PLANO TX 75023

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/208,459	09/11/2008	Terry M. Roberts	500840-1002

CONFIRMATION NO. 2632

POWER OF ATTORNEY NOTICE

38406
Michael A. O'Neil. P.C.
8150 North Central Expressway
Suite 1150
DALLAS, TX 75206

Date Mailed: 10/14/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/03/2010.

- 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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APR 12 2011

OFFICE OF PETITIONS

Richard A. Schuth (MEMC)
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
Vithal Revankar, et al.	:	
Application No. 12/208,464	:	DECISION ON PETITION
Filed: September 11, 2008	:	
Attorney Docket No. 070036.1 (28744-2938)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 21, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 21, 2010. Accordingly, the date of abandonment of this application is March 22, 2011. The Notice of Abandonment was mailed April 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner

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DEC 03 2010

OFFICE OF PETITIONS

THE LAW OFFICES OF CALVIN B. WARD
18 CR.OW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

In re Application:	:	
Ghulam Hasnain	:	
Application No. 12/208,502	:	NOTICE
Filed: September 11, 2008	:	
Attorney Docket No. 54879	:	

This is a notice regarding your request for acceptance of a fee deficiency submission filed on October 22, 2010, under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

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

Application No:	12/208,525	Filing date:	September 11, 2008
First Named Inventor:	Yoaz E. BAR-SEVER		
Title of the Invention:	METHOD AND APPARATUS FOR AUTONOMOUS, IN-RECEIVER PREDICTION OF GNSS EPHEMERIDES		

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/US2009/054635

The international filing date of the corresponding PCT application(s) is/are: August 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 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)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/208,525
First Named Inventor:	Yoaz E. BAR-SEVER

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on May 26, 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 May 26, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US-1 same as PCT-1
2	2	US-2 same as PCT-2
3	3	US-3 same as PCT-3
4	1	US-4 narrower than patentable PCT-1
5	1	US-5 narrower than patentable PCT-1
6	1	US-6 narrower than patentable PCT-1
7	1	US-7 narrower than patentable PCT-1
8	1	US-8 narrower than patentable PCT-1
9	2	US-9 narrower than patentable PCT-2
10	1	US-10 narrower than patentable PCT-1
11	1	US-11 narrower than patentable PCT-1
12	1	US-12 narrower than patentable PCT-1
13	1	US-13 narrower than patentable PCT-1
14	3	US-14 narrower than patentable PCT-3
15	1	US-15 narrower than patentable PCT-1
16	1	US-16 narrower than patentable PCT-1
17	1	US-17 narrower than patentable PCT-1
18	1	US-18 narrower than patentable PCT-1
Cont'd	Cont'd	(Continued on enclosed Claims Correspondence Table)

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

Signature /Alessandro Steinfl Reg. No. 56,448/	Date February 14, 2011
Name (Print/Typed) Alessandro Steinfl	Registration Number 56,448

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/208,525	09/11/2008	Yoaz E. Bar-Sever	P274-US	2746

72932 7590 03/23/2011

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER	
NGUYEN, TAN QUANG	
ART UNIT	PAPER NUMBER
3661	
MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 23 2011

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United States Patent and Trademark Office
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Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re application of
Bar-Sever et al.
Application No. 12/208,525
Filed: September 11, 2008
For: METHOD AND APPARATUS FOR AUTONOMOUS, IN-RECEIVER PREDICTION OF GNSS EPHEMERIDES

: **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 February 14, 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 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: 03/22/11

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

Melanie L. Brown
BASF Catalysts LLC
100 Campus Drive
Florham Park NJ 07932

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
James M. Chen et al. :
Application No. 12/208,569 : DECISION ON PETITION
Filed: September 11, 2008 :
Attorney Docket No. **4488DIV** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 2, 2010. Accordingly, the date of abandonment of this application is February 3, 2011.

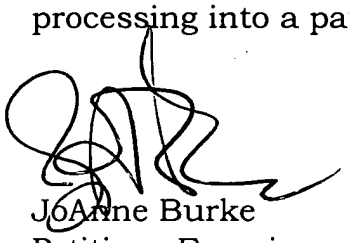
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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 be acknowledged as the attorney of record regarding this application, the appropriate power of attorney document must be submitted.

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

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



JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 09 2012

OFFICE OF PETITIONS

HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

In re Application of
Mark A. Friesel
Application No. 12/208,588
Filed: September 11, 2008
Attorney Docket No.: GE-07387/N0650-00838

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 21, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 19, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 19, 2011. On December 21, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 4, 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; (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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-2-10

TO SPE OF : ART UNIT 2883

SUBJECT : Request for Certificate of Correction for Appl. No.: 12208696 Patent No.: 7693356

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.

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

Comments: _____

_____

_____

_____

_____

/Mark Robinson/ 2883
SPE Art Unit

UNITED STATES 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.

RICHARD H. SELINFREUND
1285 MOOSE HILL ROAD
GUILFORD CT 06437

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Selinfreund et al. :
Application No. 12/208,712 :
Filed: September 11, 2008 : DECISION ON PETITION
Attorney Docket No. VTI- : UNDER 37 C.F.R. § 1.137(B)
7017.3(C) :
Title: PRODUCT PACKAGING :
INCLUDING DIGITAL DATA :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 18, 2011, to revive the above-identified application.

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

A final Office action was mailed on December 8, 2010, which set a shortened statutory period for reply of three months. No extension of time under the provisions of 37 C.F.R § 1.136(a) was obtained, and response was received. Accordingly, the above-identified application became abandoned on March 9, 2011.

On July 18, 2011, Petitioner filed a Request for Continued Examination (RCE) along with the associated fee, an amendment and remarks, the petition fee, the proper statement of unintentional delay, and a terminal disclaimer to obviate a double patenting rejection over a "prior" patent along with the associated fee. The amendment and remarks filed on July 18, 2011 have been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

1 See Rule 1.137(d).

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 and remarks submitted on July 18, 2011 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

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2 See 37 C.F.R. § 10.18(b); cf. 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).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Marvin R. Wachs
Kelley Drye & Warren LLP
440 Atlantic Street
13th Floor
Stamford, CT 06901

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

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.
12/208,769	09/11/2008	Sachie Yokoyama	331671US2RD	3185

7590 05/18/2011

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

EXAMINER	
PATEL, NATASHA	

ART UNIT	PAPER NUMBER
3766	

NOTIFICATION DATE	DELIVERY MODE
05/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarmes

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of :
Chiang :
Application No.: 12/208,976 : ON PETITION
Filed: September 11, 2008 :
Attorney Docket No: 7000.372 :

This is in response to the petition under 37 CFR 1.137(b) filed September 2, 2010.

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

On September 25, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, examination, and search fees, and a surcharge. A proper response was not received within the allowable period, and the application became abandoned on December 26, 2008. A Notice of Abandonment was mailed on June 3, 2009.

The filing, examination, and search fees, and a surcharge, are noted and made of record.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 29 2011

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of	:	
Chi-Chen CHANG	:	DECISION GRANTING PETITION
Application No. 12/209,007	:	UNDER 37 CFR 1.137(b)
Filed: September 11, 2008	:	
Atty. Docket No.: 7000.404	:	

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

The petition is **DISMISSED.**

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.137(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 29, 2008, which set a statutory period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. The application thus became abandoned on November 30, 2008, and a Notice of Abandonment was mailed June 10, 2009.

Whereas the petition properly includes (1) payment of the required fees (filing fee surcharge, search fee, and examination fee), and (2) a petition fee of $810, the petition lacks a proper statement of unintentional delay. Specifically, Petitioner has supplied an S-signature (i.e., "/name/"), but Petitioner has not provided his registration number, as required by 37 CFR 1.4(d)(2).

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 Petition
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 (571-272-8427).

for 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

MAILED

MAY 17 2011

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of	:	
Chi-Chen CHANG	:	DECISION GRANTING PETITION
Application No. 12/209,007	:	UNDER 37 CFR 1.137(b)
Filed: September 11, 2008	:	
Atty. Docket No.: 7000.404	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 29, 2008 (Notice), which set a statutory period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. The application thus became abandoned on November 30, 2008, and a Notice of Abandonment was mailed June 10, 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice mailed September 29, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that 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 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 Office of Patent Application Processing.

Rajnesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
FEB 03 2012
OFFICE OF PETITIONS

In re Application of
WILLIAM L. DUNN
Application No. 12/209,063
Filed: 09/11/2008
Attorney Docket No. 2399.004US1

DECISION GRANTING PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 30, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/971,429 filed September 11, 2007.

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 present 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 under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application is accepted as being unintentionally delayed.

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 2884 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
12/209,063	09/11/2008	2884	560	2399.004US1	25	2

CONFIRMATION NO. 3756

CORRECTED FILING RECEIPT

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 02/02/2012

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)

William L. Dunn, Manhattan, KS;

Assignment For Published Patent Application

Kansas State University Research Foundation, Manhattan, KS

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/971,429 09/11/2007

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: 02/01/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/209,063**

Projected Publication Date: 02/16/2012

Non-Publication Request: No

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

Title

REMOTE SUBSTANCE DETECTION

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Alton H. Phillips :
Application No. 12/209,094 : DECISION DISMISSING PETITION
Filed: September 11, 2008 : UNDER 37 CFR 1.313
Attorney Docket No. 6500-80882-02/DLS :

This is a decision on the petition under 37 CFR 1.313, filed May 27, 2011, requesting withdrawal of the above-identified application from issue.

The petition is **DISMISSED.**

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 21, 2011, with the issue fee being due on or before July 21, 2011. The issue fee has not been paid.

The petition filed May 27, 2011 is not in compliance with 37 CFR 1.313. If petitioner submits an RCE and submission that will effectively withdraw an application from issue prior to payment of the issue fee. *Note* MPEP §§ 706.07(h)(IX) and 1308.

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

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

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

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

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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APR 11 2011

OFFICE OF PETITIONS

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

In re Application of :
BALLERINI, Massimo :
Application No. 12/209,152 : DECISION ON PETITION
Filed: September 11, 2008 : TO WITHDRAW
Attorney Docket No. 21582-0005001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Phillips on behalf of all attorneys of record who are associated with customer No. 20985. All attorneys/agents associated with the Customer Number 20985 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Massimo Ballerini at the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MASSIMO BALLERINI**
VIA MARCONA 36
MILANO 20129
ITALY

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

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of :
BALLERINI :
Application No. 12/209,158 : DECISION ON PETITION
Filed: September 11, 2008 : TO WITHDRAW
Attorney Docket No. 21582-0006001 FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2011.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 20985, as indicated. To assist the Office with reviewing the Request and to expedite processing, practitioner is strongly encouraged to review the record to determine how the attorneys were made of record. The specific designation used to become of record, should also be used to withdraw from record.

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

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

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

cc: MASSINO BALLERINI
VIA MARCONA 36
MILANO 20129 ITALY

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 08 2011

OFFICE OF PETITIONS

In re Application of
BALLERINI
Application No. 12/209,158
Filed: September 11, 2008
Attorney Docket No. 21582-0006001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **APPROVED**.

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

The request was signed by John C. Phillips on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

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

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

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

cc: MASSIMO BALLERINI
VIA MARCONA 36
MILANO 20129 ITALY

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
12/209,158	09/11/2008	Massimo Ballerini	21582-0006001

CONFIRMATION NO. 3932

20985
FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

POWER OF ATTORNEY NOTICE

OC000000047976594

Date Mailed: 06/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2011.

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

/dcgoodwyn/

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

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of

CHEMTOB, Sylvain et al.
Application No. 12/209,168
Filed: September 11, 2008
Attorney Docket No. **2008693-0001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 2010.

The request is **NOT APPROVED.**

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

cc: **GOUDREAU GAGE DUBUC**
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, CANADA H3A 3-H3

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MAY 20 2011
OFFICE OF PETITIONS

SEAGATE TECHNOLOGY LLC
C/O NOVAK DRUCE & QUIGG LLP
1000 LOUISIANA, Fifty-Third Floor
HOUSTON TX 77002

In re Application of	:	
Sheth Champaklal Sanjay et al.	:	
Application No. 12/209,181	:	DECISION ON PETITION
Filed: September 11, 2008	:	TO WITHDRAW
Attorney Docket No. **8209.082.NPUS00**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 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 Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Michael S. Garrabrants on behalf of all attorneys of record who are associated with Customer Number 70165.

All attorneys/agents associated with Customer Number 70165 have been withdrawn.

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Seagate Technology LLC
920 Disc Drive
Scotts Valley, CA 95066

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INFINEON TECHNOLOGIES AG
Patent Department
MUC 11.1.507
P.O. Box 221644
Munich 80506 DE GERMANY

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernd Heise, et al.	:	
Application No. 12/209,211	:	DECISION GRANTING PETITION
Filed: September 12, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2007P52629US03	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 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 November 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2473 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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MATTHEW L. AHART
16165 WOODVALE ROAD
ENCINO, CA 91436

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Andrew Morton Milburn, et al.
Application No. 12/209,281
Filed: September 12, 2008
Attorney Docket No. AudioFriend-0001

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 November 1, 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).

Accordingly, the request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest, who properly became

of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

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

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.
12/209,288	09/12/2008	Yatheendhar D. Manicka	026843-000220US	4201

20350 7590 03/28/2011

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

EXAMINER	
JIAN, SHIRLEY XUEYING	
ART UNIT	PAPER NUMBER
3769	

NOTIFICATION DATE	DELIVERY MODE
03/28/2011	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@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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

In re Application of:
MANICKA, YATHEENDHAR D. et al
Serial No. 12/209,288
Filed: Sep. 12, 2008
Docket: 026843/000220US
Title: ADHERENT DEVICE WITH MULTIPLE PHYSIOLOGICAL SENSORS

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition and request under 37 CFR 1.59(b), filed March 5, 2009 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) was paid.

In the petition, the petitioner states that a document consists of 7 pages containing confidential information of the current assignee, Corventis, Inc. was inadvertently submitted with the Information Disclosure Statement filed on February 25, 2009. Petitioner requests removal of the document inadvertently filed with the IDS on February 25, 2009.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has unintentionally filed the document on February 25, 2009, the documents have been blocked from public view in the Public Pair system.

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

PETITION GRANTED

for

Angela D. Sykes, Director
Technology Center 3700

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on July 22, 2011.

KILPATRICK TOWNSEND & STOCKTON LLP

By: Deane B. Olney

PATENT
Docket No.: 91215-755916
(026843-000220US)
Client Ref. No.: D07-01/D07-08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yatheendhar D. Manicka, et al.

Application No.: 12/209,288

Filed: September 12, 2008

For: ADHERENT DEVICE WITH MULTIPLE PHYSIOLOGICAL SENSORS

Customer No.: 20350

Confirmation No.: 4201

Examiner: Davin Sands

Art Unit: 3769

PETITION TO MAKE SPECIAL PURSUANT TO 37 C.F.R. §1.102

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

Sir:

Applicant hereby petitions the Commissioner to make special the above-identified application in accordance with the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, pursuant to 37 C.F.R. §1.102. Applicant states the following:

a) the basis under which special status is being sought is express abandonment of another copending application, pursuant to the Patent Application Backlog Reduction Stimulus Plan;

b) a copy of the letter of express abandonment and the statements accompanying the letter of express abandonment from the copending application that is expressly abandoned, as filed with the USPTO, is attached as exhibit A;

c) both the instant application and the expressly abandoned application are currently commonly assigned to Corventis, Inc., and were so assigned prior to October 1, 2009;

d) the application that is expressly abandoned is application serial number 12/468,493, which was filed on May 19, 2009;

e) applicant hereby certifies that applicant has not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan program; and

f) applicant hereby agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the instant application are directed to two or more independent and distinct inventions.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

Application being Advanced	Application being Abandoned
Serial Number: 12/209,288	Serial Number: 12/468,493
Title: ADHERENT DEVICE WITH MULTIPLE PHYSIOLOGICAL SENSORS	Title: CHIROPRACTIC CARE MANAGEMENT SYSTEMS AND METHODS
First Named Inventor: Manicka	First Named Inventor: Libbus
Filing Date: September 12, 2008	Filing Date: May 19, 2009
Attorney Docket: 91215-755916 (026843-000220US)	Attorney Docket: 91215-769604 (026843-002210US)
Client Docket: D07-01/D07-08	Client Docket: D07-026

Pursuant to the conditions for being accorded special status for examination under the Patent Application Backlog Stimulus Reduction Plan, applicant believes no fee is required for the instant petition. Applicant respectfully requests that this petition to make special pursuant to 37 C.F.R. §1.102 be granted.

Respectfully submitted,

David W. Boyd
Reg. No. 50,335

KILPATRICK TOWNSEND & STOCKTON, LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (415) 576-0300
DWB:d6d

63624123 v1

EXHIBIT A

Documents as downloaded from PAIR

COPY

Doc Code: EABN

Document Description: Letter Express Abandonment of the application

PTO/SB/24 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EXPRESS ABANDONMENT UNDER 37 CFR 1.138

File the petition electronically using EFS-Web
Or **Mail** the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	12/468,493
Filing Date	May 19, 2009
First Named Inventor	Imad Libbus
Art Unit	3739
Examiner Name	Erin Cardinal
Attorney Docket Number	91215-769604

Please **check only one** of boxes 1 or 2 below:
(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

I am the:

☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Attorney or agent registration number is 50,335

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____.

David W. Boyd
Signature

July 22, 2011
Date

David W. Boyd
Typed or printed name

303-571-4000
Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, 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.

COPY

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on July 22, 2011.

TOWNSEND and TOWNSEND and CREW LLP

By: Diane B. Deming
Diane B. Deming

PATENT
Docket No.: 91215-769604
(026843-002210US)
Client Reference No. D07-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Imad Libbus et al.

Application No.: 12/468,493

Filed: May 19, 2009

For: CHIROPRACTIC CARE MANAGEMENT SYSTEMS AND METHODS

Customer No.: 20350

Confirmation No.: 1053

Examiner: Erin Cardinal

Art Unit: 3739

STATEMENT PURSUANT TO PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

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

Commissioner:

Pursuant to the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, applicant hereby expressly abandons the instant application. A petition for express abandonment of the instant application pursuant to 37 C.F.R. §1.138(a) is filed concurrently with this paper. Pursuant to the requirements of the Patent Application Backlog Reduction Stimulus Plan, applicant hereby makes the following statements:

a) applicant has not and will not file an application that claims the benefit of the instant expressly abandoned application under any provision of Title 35, United States Code;

COPY

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

c) applicant has not and will not file a new application that claims the same invention claimed in the instant expressly abandoned application.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

Application being Advanced	Application being Abandoned
Serial Number: 12/209,288	Serial Number: 12/468,493
Title: ADHERENT DEVICE WITH MULTIPLE PHYSIOLOGICAL SENSORS	Title: CHIROPRACTIC CARE MANAGEMENT SYSTEMS AND METHODS
First Named Inventor: Manicka	First Named Inventor: Libbus
Filing Date: September 12, 2008	Filing Date: May 19, 2009
Attorney Docket: 91215-755916 (026843-000220US)	Attorney Docket: 91215-769604 (026843-002210US)
Client Docket: D07-01/D07-08	Client Docket: D07-026

Respectfully submitted,

David W. Boyd

David W. Boyd
Reg. No. 50,335

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63623956 v1

Electronic Acknowledgement Receipt

COPY

EFS ID:	10577463
Application Number:	12468493
International Application Number:	
Confirmation Number:	1053
Title of Invention:	Chiropractic Care Management Systems and Methods
First Named Inventor/Applicant Name:	Imad Libbus
Customer Number:	20350
Filer:	David Wayne Boyd/Diane Deming
Filer Authorized By:	David Wayne Boyd
Attorney Docket Number:	026843-002210US
Receipt Date:	22-JUL-2011
Filing Date:	19-MAY-2009
Time Stamp:	13:29:57
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		91215_769604_Express_Abandonment_Statement.pdf	155595 c7ce7616156b0eb6e1847478ab3612c8c81dab8f	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Letter Express Abandonment of the application	1	1
	Miscellaneous Incoming Letter	2	3
Warnings:			
Information:			
	Total Files Size (in bytes):	155595	

COPY

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.

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SAN FRANCISCO CA 94111-3834

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AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
MANICKA, et al. :
Application No. 12/209,288 :
Filed: September 12, 2008 :
Attorney Docket No. **026843-000220US** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed July 22, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

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

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

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

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

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

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

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

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

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

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OCT 07 2011

OFFICE OF PETITIONS

In re Application of :
Mathilde Benveniste :
Application No. 12/209,305 : DECISION ACCORDING STATUS
Filed: September 12, 2008 : UNDER 37 CFR 1.47(b)
Attorney Docket No. AVA08-03 :

This decision is in response to the request for reconsideration under 37 CFR 1.47(b)[1], filed September 23, 2011, in response to the Notice to File Missing Parts "Notice" mailed September 23, 2008 and in response to the decision on petition mailed August 31, 2009.

The petition is **GRANTED**.

The above-identified application was filed on September 12, 2008, without an executed declaration. Accordingly, on September 23, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed with a request for a two month extension of time seeking status under 37 CFR 1.47(b) based on the fact that the inventor had refused to cooperate with the filing of the application. The petition was dismissed in a decision mailed February 5, 2009 because while it was sufficiently shown that inventor Mathilde Benveniste had expressly refused, in writing, to execute the oath or declaration and thus, to cooperate with the filing of the instant application, the evidence presented was not sufficient to show that a copy of the application was sent or given to the non-signing inventor. Additionally, the petition was dismissed because an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented, because no statement of last known address had been provided and because proof of irreparable damages in accordance with MPEP 409.03(g) also had not been provided. A renewed petition was filed April 6, 2009 and while the requirements under items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) were met, the petition was dismissed in a decision mailed May 7, 2009 and again in a decision mailed August 31, 2009 because

[1] A grantable petition under 37 CFR 1.47(b) 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;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 had not been presented.

In the decisions mailed May 7, 2009 and August 31, 2009, petitioner was advised that the format used, "Respectfully Submitted by David W. Rulle, Esq " is a signature block which can not serve as an execution of the oath or declaration.

A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[2]

Comes now petitioner with the instant request for reconsideration and with a Declaration properly executed by David W. Rulle, Esq, authorized to sign for the assignee and on behalf of the non-signing sole inventor.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 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.

Additionally, the fee for the petition, in the amount of $200 has been charged to deposit account no. 50-3735 as authorized with the filing of the original petition filed December 29, 2008.

This matter is being referred to the Publishing Division to await payment of the issue fee.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2]MPEP 409.03(b).

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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.
12/209,357	09/12/2008	Huminobu NAKAMURA	08313/LH	4351

1933 7590 03/21/2011

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

EXAMINER	
BRIER, JEFFERY A	

ART UNIT	PAPER NUMBER
2628	

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

In re Application of	:	
NAKAMURA, HUMINOBU	:	DECISION ON REQUEST TO
Application No. 12/209,357	:	PARTICIPATE IN PATENT
Filed: October 28, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 08313/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 January 7, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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 Wellington Chin at 571-272-3134.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

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OCT 06 2011
OFFICE OF PETITIONS

Stephen S. Hodgson
Patent Attorney
2636 Albans Rd.
Houston TX 77005-1308

In re Application of :
William M. Bishop :
Application No. 12/209,385 : ON PETITION
Filed: 09/12/2008 :
Attorney Docket No. CGI01/1-US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 2011, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of February 22, 2011, which set a three-month shortened statutory period for response. No timely extensions of the reply period were obtained. Accordingly, the application became abandoned on May 23, 2011. A Notice of Abandonment was mailed on September 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). As the $865.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded.

This application is being referred to Technology Center AU 3744 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Office of the General Counsel
801 Lakeview Drive, Suite 100
MailStop: 2NW
BLUE BELL PA 19422

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MAR 07 2012

OFFICE OF PETITIONS

In re Application of :
Meyer et al. :
Application No. 12/209,520 : DECISION ON PETITION
Filed: September 12, 2008 : PURSUANT TO
Attorney Docket No. TN503 : 37 C.F.R. § 1.137(B)
Title: PROVIDING LOCAL FILE :
STORAGE WITHIN A JAVA SERVER :
ENVIRONMENT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 8, 2012, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed March 28, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 29, 2011. A notice of abandonment was mailed on February 10, 2012, subsequent to the filing of this petition.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on February 8, 2012 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning this application should be directed to the Technology Center.

Paul 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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CITY PLACE II
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HARTFORD CT 06103

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FEB 09 2011

OFFICE OF PETITIONS

In re Application of
Alexander Durr
Application No. 12/209,536
Filed: September 12, 2008
Attorney Docket No. 7542-0017

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed October 13, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign European Application No. EP07116203, filed September 12, 2007.

The petition is **DISMISSED**.

This 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.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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

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

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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FEB 24 2011

OFFICE OF PETITIONS

In re Application of
Alexander Durr
Application No. 12/209,536
Filed: September 12, 2008
Attorney Docket No. 7542-0017

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the renewed petition under 37 CFR 1.55(c), filed February 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign European Application No. 07 116 203.6, filed September 12, 2007.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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

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

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

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

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

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

This application was filed on September 12, 2008, which is after November 29, 2000 and within 12 months of September 12, 2007 (the filing date of the foreign application to which benefit is now being claimed). On February 18, 2011, an Application Data Sheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,410.00 has been received. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Further, petitioner may request a refund of the petition fee paid on February 18, 2011, since the petition fee was previously paid on October 13, 2010. The request may be directed to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

This application is being referred to Technology Center AU 2121 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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/209,536	09/12/2008	2121	1160	7542-0017	11	2

CONFIRMATION NO. 4702

CORRECTED FILING RECEIPT

35301
MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

OC000000046140001

Date Mailed: 02/22/2011

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)

Alexander Durr, Saline, MI;

Assignment For Published Patent Application

Klingelnberg AG, Zurich, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number 35301

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.)
EUROPEAN PATENT OFFICE (EPO) 07 116 203.6 09/12/2007

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

If Required, Foreign Filing License Granted: 11/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/209,536**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR THE DISCONTINUOUS GRINDING OF BEVEL GEARS AND CORRESPONDING SOFTWARE FOR CONTROLLING A MULTIAXIS GRINDING MACHINE

Preliminary Class

700

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 2 0 2010

OFFICE OF PETITIONS

In re Application of :
Charles Bernard VALOISl :
Application No. 12/209,551 : DECISION ON PETITION
Filed: September 12, 2008 : TO WITHDRAW
Attorney Docket No. 2007719-0008 (12S-004) : 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 24, 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.

The request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

Additionally, the request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

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

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.
12/209,562	09/12/2008	Yukio Inuzuka	2018-2123	4754

23117 7590 11/09/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
TOBERGTE, NICHOLAS J	
ART UNIT	PAPER NUMBER
2823	

MAIL DATE	DELIVERY MODE
11/09/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	**: DECISION ON REQUEST TO**
Yukio INUZUKA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/209562	**: PROSECUTION HIGHWAY**
Filed: 12 September 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 2018-2123	**: TO MAKE SPECIAL UNDER**
For: FUEL PUMP	**: 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 09 August 2011, to make the above-identified application special.

The request and petition are **DISMISSED** as moot as the application has been allowed.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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):
12/209,624	
First Named Inventor:	**Title of Invention:**
Asaya Fujita	AN ALLOY MATERIAL, A MAGNETIC MATERIAL, A MANUFACTURING...

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 /Greg Turocy/	Date 2011-05-05
Name (Print/Typed) Gregory Turocy	Practitioner Registration Number 36952

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 1 forms are submitted.

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Asaya Fujita et al. :
Application No. 12/209,624 : DECISION ON PETITION
Filed: September 12, 2008 :
Attorney Docket No.: YIPLP101US :

This is a decision on the request filed May 5, 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 December 13, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4914. 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 1736 for re-mailing the Office action of December 13, 2010. The period for reply will run from the mailing date of the Office action.

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

JAMES M. WU
JW LAW GROUP
84 W. SANTA CLARA STREET
SUITE 820
SAN JOSE CA 95113

MAILED
JUN 13 2011
OFFICE OF PETITIONS

In re Patent Number: 7,825,427
Issue Date: 11/02/2010
Application Number: 12/209,638
Filing or 371(c) Date: 09/12/2008
Attorney Docket Number: 1089.P0003US

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on May 2, 2011.

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

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

This 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) 272-3231.

DWood
Douglas Wood
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/9/2012

TO SPE OF : ART UNIT 3744

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/209688 Patent No.: 8011597 B2

CofC mailroom date: 1/4/12

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: _____

_____

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: _____

_____

_____

_____

_____

/Cheryl J. Tyler/ — **SPE**

3744 — **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

In re Application of
Stanford R Ovshinsky

Application No. 12209699

Filed: September 12,2008

Attorney Docket No. Ovation - 5

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12209731
Filing Date	12-Sep-2008
First Named Inventor	Bruce Best
Art Unit	2833
Examiner Name	ALEXANDER GILMAN
Attorney Docket Number	39304
Title	SUBSEA TURBINE WITH A PERIPHERAL DRIVE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23589

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	Bruce Best
Address	1119 NE Clubhouse Circle
City	Lees Summit
State	MO
Postal Code	64086
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Randall W. Schwartz/
Name	Randall W. Schwartz
Registration Number	46482

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 20, 2012

In re Application of :

Bruce Best

Application No : 12209731

Filed : 12-Sep-2008

Attorney Docket No : 39304

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 20, 2012

The request is **APPROVED.**

The request was signed by Randall W. Schwartz (registration no. 46482) on behalf of all attorneys/agents associated with Customer Number 23589 . All attorneys/agents associated with Cusotmer Number 23589 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	Bruce Best
Name2	
Address 1	1119 NE Clubhouse Circle
Address 2	
City	Lees Summit
State	MO
Postal Code	64086
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

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.
12/209,785	09/12/2008	Markus DANIELI	056228.60613US	5212

7590 11/17/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER	
LANIER, BENJAMIN E	
ART UNIT	**PAPER NUMBER**
2432	
MAIL DATE	**DELIVERY MODE**
11/17/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarmes

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILSON, SONSINI, GOODRICH &
ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Han et al. :
Application No. 12/209,789 :
Filed: September 12, 2008 :
Attorney Dkt. No. 33205-746 :
For: ENTROPIC TRAPPING AND :
SIEVING OF MOLECULES :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R.§1.705", filed December 28, 2010. Applicants dispute the 39 day reduction. This request is properly treated under 37 CFR 1.705(b).

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).

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

Applicants dispute the 39 day reduction for the submission of the terminal disclaimer on August 11, 2010. Applicants contend the terminal disclaimer was submitted with the amendment on August 11, 2010 in response to the May 12, 2010 non-final Office. The patent term was reduced based upon the terminal disclaimer review form dated September 19, 2010. Thus, the 39 day reduction is not required.

A review of the record shows that the 39 day reduction for the submission of the terminal disclaimer is not warranted. The record shows that the terminal disclaimer was submitted on August 11, 2010 with the response to the May 12, 2010 Office action. The document dated September 19, 2010 is an Office form

which approved the terminal disclaimer submitted August 11, 2010. As such the 39 day reduction will be removed.

Applicants' delay prior to the mailing of the Notice of Allowance is 0 days. Office delay prior to the mailing of the Notice of Allowance is 181 days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred eighty-one (181) 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
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12209789 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12209789

Application Filing Date	09/12/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	181
A Delays	181	PTO Manual Adjustment	39
B Delays	0	Applicant Delay (APPL)	39
C Delays	0	Total PTA (days)	181

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL		Parent Action Number
44	02/28/2011		P028	Adjustment of PTA Calculation by PTO	39		0	
37	11/10/2010		MN/=.	Mail Notice of Allowance			0	
36	11/08/2010		IREV	Issue Revision Completed			0	
33	10/28/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0	
32	10/28/2010		DVER	Document Verification			0	
31	10/28/2010		N/=.	Notice of Allowance Data Verification Completed			0	
30	10/25/2010		CNTA	Allowability Notice			0	
28	10/06/2010		DOCK	Case Docketed to Examiner in GAU			0	
27	09/19/2010		P574	Paralegal TD Accepted			0	
26	09/19/2010	08/11/2010	DIST	Terminal Disclaimer Filed		39	23	
24	08/12/2010		FWDX	Date Forwarded to Examiner			0	
29	08/11/2010		IDSC	Information Disclosure Statement considered			0	
25	08/11/2010		WIDS	Information Disclosure Statement (IDS) Filed			0	
23	08/11/2010		A...	Response after Non-Final Action			0	
22	08/11/2010		RCAP	Reference capture on IDS			0	
21	08/11/2010		M844	Information Disclosure Statement (IDS) Filed			0	
20	08/11/2010		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received			0	
19	08/11/2010		C614	New or Additional Drawing Filed			0	
18	05/12/2010	11/12/2009	MCTNF	Mail Non-Final Rejection	181		-1	
17	05/10/2010		CTNF	Non-Final Rejection			0	
16	03/03/2009		DOCK	Case Docketed to Examiner in GAU			0	
15	02/19/2009		PG-ISSUE	PG-Pub Issue Notification			0	
14	02/12/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0	
12	12/04/2008		OIPE	Application Dispatched from OIPE			0	
11	11/13/2008		PGPC	Sent to Classification Contractor			0	
10	11/13/2008		FLRCPT.U	Filing Receipt - Updated			0	
13	10/30/2008		A.PE	Preliminary Amendment			0	
9	10/30/2008		ADDFLFEE	Additional Application Filing Fees			0	
8	10/30/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0	
6	09/24/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0	
5	09/24/2008		FLRCPT.O	Filing Receipt			0	
4	09/24/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0	
3	09/13/2008		L194	Cleared by OIPE CSR			0	
7	09/12/2008		CLAIM	Claim Preliminary Amendment			0	
2	09/12/2008		SCAN	IFW Scan & PACR Auto Security Review			0	
1	09/12/2008		IEXX	Initial Exam Team nn			0	

Export to: Excel

Doc Code: PPH.PCT.662
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/209,810	Filing date:	09/12/2008
First Named Inventor:	Deepak Jain		
Title of the Invention:	Updating Mobile Devices with Additional Elements		

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/2008076275

The international date of the corresponding PCT application(s) is/are: September 12, 2008 (12.09.2008)

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.

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

(continued)

Application No.:	12/209,810
First Named Inventor:	Deepak Jain

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 2/11/2009, 4/29/2009, 1/22/2010

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

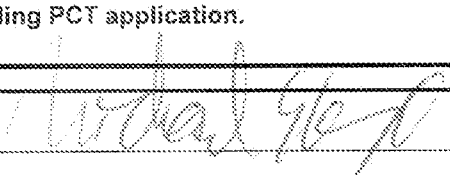
☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 4/29/2009 and 1/22/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended in US Application to conform to PCT Application
2	2	Same
3	3	Amended in US Application to conform to PCT Application
4	4	Same
5	5	Same
6	6	Amended in US Application to conform to PCT Application
7	7	Same
8	8	Amended in US Application to conform to PCT Application
9	9	Amended in US Application to conform to PCT Application
10	10	Amended in US Application to conform to PCT Application
11	11	Same
12	12	Same
13	13	Amended in US Application to conform to PCT Application
14	14	Same
15	15	Amended in US Application to conform to PCT Application
16	16	Same
17	17	Amended in US Application to conform to PCT Application
18	18	Amended in US Application to conform to PCT Application
(Cont'd Page 2a)		

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

Signature 	Date October 18, 2010
Name (Print/Typed) Michael E. Cox	Registration Number 47,505

Request for Participation in the PCT-PPH Pilot Program Between the EPO and The USPTO

(continued)

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	19	Same
20	20	Amended in US Application to conform to PCT Application
21	21	Same
22	22	Same
23	23	Amended in US Application to conform to PCT Application
24	24	Amended in US Application to conform to PCT Application
25	25	Amended in US Application to conform to PCT Application
26	26	Amended in US Application to conform to PCT Application
27	27	Amended in US Application to conform to PCT Application
28	28	Amended in US Application to conform to PCT Application
29	29	Amended in US Application to conform to PCT Application
30	30	Amended in US Application to conform to PCT Application
31	31	Same
32	32	Same
33	33	Same
34	34	Same
35	35	Same
36	36	Amended in US Application to conform to PCT Application
37	37	Same
38	38	Amended in US Application to conform to PCT Application
39	39	Amended in US Application to conform to PCT Application

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.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis MN 55440-1022
ETATS-UNIS D'AMERIQUE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing *(day/month/year)* 10.12.2009

Applicant's or agent's file reference
24310-0009WO1

IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/076275	12.09.2008	12.09.2007

Applicant
Devicefidelity, Inc

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:

European Patent Office P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Authorized Officer

Van Deursen, T

Tel. +31 70 340-3478

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 24310-0009WO1	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US2008/076275	International filing date *(day/month/year)* 12.09.2008	Priority date *(day/month/year)* 12.09.2007
International Patent Classification (IPC) or national classification and IPC INV. H04M1/725		
Applicant Devicefidelity, Inc		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *sent to the applicant and to the International Bureau)* a total of 7 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. 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

Date of submission of the demand	Date of completion of this report
2009-07-15	10.12.2009

Name and mailing address of the international preliminary examining authority:

European Patent Office P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Authorized officer

de Biolley, Luc

Telephone No. +31 70 340-3137

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2008/076275

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

   ☒ 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 (under Rules 12.3(a) and 23.1(b))
   - ☐ publication of the international application (under Rule 12.4(a))
   - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   Description, Pages

   1-52 as originally filed

   Claims, Numbers

   1-39 filed with telefax on 15-07-2009

   Drawings, Sheets

   1/16-16/16 as originally filed

   ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

5. ☐ 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 70.2 (e)).

6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-39
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-39
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-39
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1: US 2006/291483 A1 (SELA YOSSY [IL]) 28 December 2006 (2006-12-28)

D2: US 2003/064689 A1 (ENGSTROM G ERIC [US] ET AL) 3 April 2003 (2003-04-03)

2 INDEPENDENT CLAIMS

2.1 With respect to claim 1, document D1 discloses (the references in parentheses applying to this document):

A cover (fig. 2 or 3, ref. 121) for a mobile device (fig. 3, ref. 100) comprising:

side surfaces (fig. 2, ref. 140) configured to be adjacent at least a portion one or more side surfaces of the mobile device;

a rear surface (...) (fig. 2, surface comprising connector 134) , the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device (see fig. 3); a first portion of at least one of the surfaces includes a connector (fig. 2, ref. 129) for connecting to a port (fig. 1, ref. 114; paragraph 78) of the mobile device;

a physical interface (fig. 2, ref. 135 and paragraph 47) (...) configured to receive a memory device external to the mobile device after inserting the mobile device in the cover;

~~a circuit configured to connect the physical interface to the connector~~.

2.2 The subject - matter of claim 1 therefore differs from this known cover in that it includes a circuit configured to connect the physical interface to the connector.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may therefore be regarded as reducing the number of physical electrical connections between the cover and the mobile device.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: nothing in D1 or D2 would lead the skilled person to combine the two physical electrical connections between the cover and the mobile device into one connection.

2.4 Similar reasoning can be applied to independent claim 39. The subject-matter of said claim is therefore also new and inventive (Article 33(2) and (3) PCT).

3 DEPENDENT CLAIMS 2-38

Claims 2-38 are dependent on claim 1 and as such also meets the requirements of the PCT with respect to novelty and inventive step.

Re Item VII.

1 The "incorporated by reference" statement (page 1, line 6) should be deleted, since the application should be self-contained and these documents clearly are not vital for detailing essential features of the invention (see PCT-Guidelines II-4.17).

2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D2 is not mentioned in the description, nor are these documents identified therein.

3 The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.

4 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII.

1 Although claims 1 and 39 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2 The vague statement in the description on page 52 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

3 It is clear from the description that the following feature is essential to the definition of the invention:

"a transaction card comprising a physical interface that connects to a port of a mobile host device and a communication module that wirelessly receives Radio Frequency signals from and transmits RF signals to an access terminal"

Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

4 It is clear from the description that the following feature is essential to the definition of the invention:

the "means for storing user credentials" is a "transaction card received in the physical interface"

Since independent claim 39 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

5 Claim 8 refers to "The cover of claim 1, the mobile device comprising...". A lack of clarity arises since said claims not only define the cover in itself but also specify its relationship to the mobile device which is not part of the claimed cover.

6 The terminology used in claim 13 is not consistent since the expression "mobile device" and "mobile host device" are used for the same feature, resulting in a lack of clarity (Article 6 PCT).

WHAT IS CLAIMED IS:

1. A cover for a mobile device, comprising:

side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device;

a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device;

a physical interface included in at least one of the surfaces configured to receive a memory device external to the mobile device after inserting the mobile device in the cover; and

a circuit configured to connect the physical interface to the connector.

2. The cover of claim 1, wherein the side surface and the rear surface are formed of flexible material.

3. The cover of claim 1, wherein the physical interface configured to receive an external memory device comprises a SecureDigital (SD) slot.

4. The cover of claim 3, wherein the SD slot is a microSD slot.

5. The cover of claim 1, further comprising memory inserted into the physical interface, wherein the memory is integrated into the cover.

6. The cover of claim 1, the circuit further comprising a conversion module configured to convert signals between a form compatible with an external memory device and a form compatible with the mobile device.

7. The cover of claim 6, wherein the conversion module converts between a SD signal and a Universal Serial Bus (USB) signal.

8. The cover of claim 1, wherein the mobile device comprising an iPhone, the connector comprising an iDock connector.

9. The cover of claim 1, wherein the connector includes a first interface configured to connect to the port of the mobile device and second interface configured to substantially duplicate an original port of the mobile device.

10. The cover of claim 1, the circuit further comprising a fingerprint scanner configured to provide a scanned fingerprint to an application that verifies an identity of a user.

11. The cover of claim 1, wherein the circuit is integrated into at one of the surfaces.

12. The cover of claim 1, wherein one or more of the side surfaces are substantially arcuate to substantially maintain a shape and dimensions of the mobile device.

13. The cover of claim 1, further comprising a transaction card comprising:

a physical interface configured to connect to a port of a mobile device, wherein the mobile host device includes a Graphical User Interface (GUI);

a communication module configured to wirelessly receive Radio Frequency (RF) signals from and transmits RF signals to an access terminal;

secure memory configured to store a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions;

a user-interface module configured to present and receive information through the GUI of the mobile host device; and

a transaction module configured to dynamically switch between the plurality of selectable user credentials in response to at least an event and wirelessly transmit to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.

14. The cover of claim 13, wherein the physical interface comprises at least one of a SecureDigital (SD) interface, a miniSD interface, a microSD interface, a MMC interface, a miniMMC, a microMMC, a firewire or a apple iDock interface, or a Universal Serial Bus (USB) interface.

15. The cover of claim 13, wherein the communication module executes the transaction independent of the mobile device.

16. The cover of claim 13, wherein the memory stores a plurality of security frameworks for the plurality of user credentials, the communication module executes the requested transaction using a security framework from the plurality of security frameworks corresponding to the selected user credentials.

17. The cover of claim 13, wherein the one or more events includes a user selecting a graphical element presented through the GUI of the mobile device.

18. The cover of claim 13, wherein the user-interface module presents information associated with the requested transaction through the GUI of the mobile device.

19. The cover of claim 18, wherein the presented information based, at least in part, on at least one of real-time content during the transaction, locally-stored offline content, or online content associated with the financial institution.

20. The cover of claim 18, wherein the user-interface module further configured to present a request for user identification including at least one of a Personal Identification Number (PIN), user ID and password, or biometric signature through the GUI of the mobile device, the processing module further configured to verify the submitted user identification with user identification locally stored in the secure memory prior executing the requested transaction.

21. The cover of claim 13, wherein the communication module selectively switches an RF antenna between an activate state and an inactivate state in response to at least an event.

22. The cover of claim 13, wherein the wireless RF signals comprise at least one of contactless signals, proximity signals, Near Field Communication (NFC) signals, Bluetooth signals, Ultra-wideband (UWB) signals, or Radio Frequency Identifier (RFID) signals.

23. The cover of claim 13, wherein the communication module further comprises a protocol translation module further configured to translate signals between wireless protocols compatible with the retail terminal and an internal transaction application.

24. The cover of claim 13, further comprising a cryptographic module configured to decrypt received signals prior to processing by the transaction module and encrypt at least part of the transaction response prior to wireless transmission.

25. The cover of claim 13, further comprising an authentication module configured to authenticate at least one of a network of the mobile host device, the mobile device, or a user.

26. The cover of claim 13, further comprising a bootstrap module configured to execute one or more authentication processes in response to at least insertion in the port of the mobile device.

27. The cover of claim 26, wherein the one or more authentication processes authenticates at least one of a network, a mobile device, or a user.

28. The cover of claim 13, further comprising an activation module configured to activate access to user credentials from the plurality of selectable user credentials and transmit to an associated financial institution a request to activate an associated user account.

29. The cover of claim 28, wherein access to user credentials from the plurality of selectable user credentials is activated based, at least in part, on a user manually entering an activation code using the GUI of the mobile device.

30. The cover of claim 13, the transaction module further configured to receive user selections through the GUI for the different user accounts associated with the plurality of selectable user credentials.

31. The cover of claim 13, the communication module further configured to receive requests to update the plurality of selectable user credentials through a wireless connection with a cellular core network or a wired connection with a broadband network.

32. The cover of claim 31, the communication module further configured to at least add new sets of user credentials or delete existing user credentials based, at least in part, on the update requests.

33. The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the communication module further configured to switch to the default user credentials in response to at least completing the requested transaction using a different one of the plurality of selectable user credentials.

34. The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the security module further configured to switch to a default user credentials in response to at least expiration of a period of time to complete a transaction using non-default user credentials.

35. The cover of claim 13, wherein the plurality of selectable credentials are each loaded into the secure memory from a different institution.

36. The cover of claim 13, wherein the cover substantially maintains attributes of the mobile device.

37. The cover of claim 36, wherein the attributes include at least one of dimensions, accessibility to peripherals, charging, battery life, signal strength, access to the GUI, connectivity to wireless networks, or interface capability with clients.

38. The cover of claim 36, wherein the substantially maintained attributes do not void certification by regulatory authorities or a warranty of the mobile device.

39. A system for a mobile device, comprising:

side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device;

a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device ;

a physical interface included in at least one of the surfaces that receives a memory device external to the mobile device after inserting the mobile device in the cover;

a circuit that connects the physical interface to the connector; and

a transaction card comprising:

a means for connecting to the physical interface of the mobile device, wherein the mobile device includes a Graphical User Interface (GUI);

a means for wirelessly receiving Radio Frequency (RF) signals from and transmits RF signals to an access terminal;

a means for storing a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions;

a means for presenting information through the GUI of the mobile device; and

a means for dynamically switching between the plurality of selectable user credentials in response to at least an event and wirelessly transmitting to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.

Our ref.: 24310-0009001

INFORMATION SHEET OF PCT APPLICATION

1. **Application No.:** PCT/US2008/076275

2. **Filing Date:** September 12, 2008 (12.09.2008)

3. **History:**

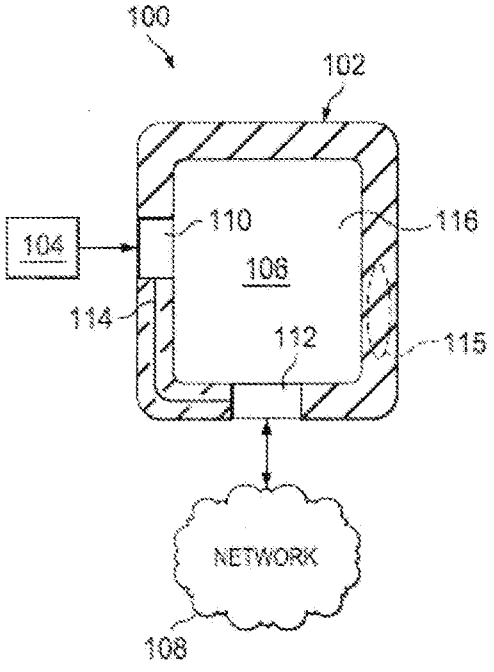
   International Search Report and Written Opinion of the International Searching Authority – mailing date April 16, 2009 (16/04/2009)

   International Preliminary Report on Patentability (IPRP) – mailing date December 10, 2009

4. **Documents cited in the PCT International Search Report and Written Opinion:**
   a. US2006/291483 A1 (December 28, 2006)
   b. US2003/064689 A1 (April 3, 2003)
   c. US2007/099592 A1 (May 3, 2007)
   d. US2005/182926 A1 (August 18, 20

5. **Documents cited in the International Preliminary Report on Patentability:**
   a. US2006/291483 A1 (December 28, 2006)
   b. US2003/064689 A1 (April 3, 2003)

6. **Case Diagram:**



IDENTIFICATION OF RELATIONSHIP BETWEEN PCT APPLICATION WITH THE SAME CLAIMS AND THE U.S. APPLICATION

PCT Application No. PCT/US2008/076275 claims the benefit of priority to U.S. Provisional Application No. 60/971,813 filed September 12, 2007.

This application (12/209,810) also claims the benefit of priority to U.S. Provisional Application No. 60/971,813 filed September 12, 2007.

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
1	A cover for a mobile device, comprising: side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device; a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device; a physical interface included in at least one of the surfaces configured to receive a memory device external to the mobile device after inserting the mobile device in the cover; and a circuit configured to connect the physical interface to the connector.	1	A cover for a mobile device, comprising: side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device; a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device; a physical interface included in at least one of the surfaces configured to receive a memory device external to the mobile device after inserting the mobile device in the cover; and a circuit configured to connect the physical interface to the connector.	Same
2	The cover of claim 1, wherein the side surface and the rear surface are formed of flexible material.	2	The cover of claim 1, wherein the side surface and the rear surface are formed of flexible material.	Same
3	The cover of claim 1, wherein the physical interface configured to receive an external memory device comprises a SecureDigital (SD) slot.	3	The cover of claim 1, wherein the physical interface configured to receive an external memory device comprises a SecureDigital (SD) slot.	Same
4	The cover of claim 3, wherein the SD slot is a microSD slot.	4	The cover of claim 3, wherein the SD slot is a microSD slot.	Same
5	The cover of claim 1, further comprising memory inserted into the physical interface, wherein the memory is integrated into the cover.	5	The cover of claim 1, further comprising memory inserted into the physical interface, wherein the memory is integrated into the cover.	Same
6	The cover of claim 1, the circuit further comprising a conversion module configured to convert signals between a form compatible with an external memory device and a form compatible with the mobile device.	6	The cover of claim 1, the circuit further comprising a conversion module configured to convert signals between a form compatible with an external memory device and a form compatible with the mobile device.	Same
7	The cover of claim 6, wherein the conversion module converts between a SD signal and a Universal Serial Bus (USB) signal.	7	The cover of claim 6, wherein the conversion module converts between a SD signal and a Universal Serial Bus (USB) signal.	Same
8	The cover of claim 1, wherein the mobile device comprising an iPhone, the connector comprising an iDock connector.	8	The cover of claim 1, wherein the mobile device comprising an iPhone, the connector comprising an iDock connector.	Same
9	The cover of claim 1, wherein the connector includes a first interface configured to connect to the port of the mobile device and	9	The cover of claim 1, wherein the connector includes a first interface configured to connect to the port of the mobile device and	Same

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
	second interface configured to substantially duplicate an original port of the mobile device.		second interface configured to substantially duplicate an original port of the mobile device.	Same
10	The cover of claim 1, the circuit further comprising a fingerprint scanner configured to provide a scanned fingerprint to an application that verifies an identity of a user.	10	The cover of claim 1, the circuit further comprising a fingerprint scanner configured to provide a scanned fingerprint to an application that verifies an identity of a user.	Same
11	The cover of claim 1, wherein the circuit is integrated into at one of the surfaces.	11	The cover of claim 1, wherein the circuit is integrated into at one of the surfaces.	Same
12	The cover of claim 1, wherein one or more of the side surfaces are substantially arcuate to substantially maintain a shape and dimensions of the mobile device.	12	The cover of claim 1, wherein one or more of the side surfaces are substantially arcuate to substantially maintain a shape and dimensions of the mobile device.	Same
13	The cover of claim 1, further comprising a transaction card comprising: a physical interface configured to connect to a port of a mobile device, wherein the mobile host device includes a Graphical User Interface (GUI); a communication module configured to wirelessly receive Radio Frequency (RF) signals from and transmits RF signals to an access terminal; secure memory configured to store a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions; a user-interface module configured to present and receive information through the GUI of the mobile host device; and a transaction module configured to dynamically switch between the plurality of selectable user credentials in response to at least an event and wirelessly transmit to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.	13	The cover of claim 1, further comprising a transaction card comprising: a physical interface configured to connect to a port of a mobile device, wherein the mobile host device includes a Graphical User Interface (GUI); a communication module configured to wirelessly receive Radio Frequency (RF) signals from and transmits RF signals to an access terminal; secure memory configured to store a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions; a user-interface module configured to present and receive information through the GUI of the mobile host device; and a transaction module configured to dynamically switch between the plurality of selectable user credentials in response to at least an event and wirelessly transmit to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.	Same
14	The cover of claim 13, wherein the physical interface comprises at least one of a SecureDigital (SD) interface, a miniSD interface, a microSD interface, a MMC interface, a miniMMC, a microMMC, a firewire or a apple iDock interface, or a Universal Serial Bus (USB) interface.	14	The cover of claim 13, wherein the physical interface comprises at least one of a SecureDigital (SD) interface, a miniSD interface, a microSD interface, a MMC interface, a miniMMC, a microMMC, a firewire or a apple iDock interface, or a Universal Serial Bus (USB) interface.	Same

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
15	The cover of claim 13, wherein the communication module executes the transaction independent of the mobile device.	15	The cover of claim 13, wherein the communication module executes the transaction independent of the mobile device.	Same
16	The cover of claim 13, wherein the memory stores a plurality of security frameworks for the plurality of user credentials, the communication module executes the requested transaction using a security framework from the plurality of security frameworks corresponding to the selected user credentials.	16	The cover of claim 13, wherein the memory stores a plurality of security frameworks for the plurality of user credentials, the communication module executes the requested transaction using a security framework from the plurality of security frameworks corresponding to the selected user credentials.	Same
17	The cover of claim 13, wherein the one or more events includes a user selecting a graphical element presented through the GUI of the mobile device.	17	The cover of claim 13, wherein the one or more events includes a user selecting a graphical element presented through the GUI of the mobile device.	Same
18	The cover of claim 13, wherein the user-interface module presents information associated with the requested transaction through the GUI of the mobile device.	18	The cover of claim 13, wherein the user-interface module presents information associated with the requested transaction through the GUI of the mobile device.	Same
19	The cover of claim 18, wherein the presented information based, at least in part, on at least one of real-time content during the transaction, locally-stored offline content, or online content associated with the financial institution.	19	The cover of claim 18, wherein the presented information based, at least in part, on at least one of real-time content during the transaction, locally-stored offline content, or online content associated with the financial institution.	Same
20	The cover of claim 18, wherein the user-interface module further configured to present a request for user identification including at least one of a Personal Identification Number (PIN), user ID and password, or biometric signature through the GUI of the mobile device, the processing module further configured to verify the submitted user identification with user identification locally stored in the secure memory prior executing the requested transaction.	20	The cover of claim 18, wherein the user-interface module further configured to present a request for user identification including at least one of a Personal Identification Number (PIN), user ID and password, or biometric signature through the GUI of the mobile device, the processing module further configured to verify the submitted user identification with user identification locally stored in the secure memory prior executing the requested transaction.	Same
21	The cover of claim 13, wherein the communication module selectively switches an RF antenna between an activate state and an inactivate state in response to at least an event.	21	The cover of claim 13, wherein the communication module selectively switches an RF antenna between an activate state and an inactivate state in response to at least an event.	Same
22	The cover of claim 13, wherein the wireless RF signals comprise at least one of contactless signals, proximity signals, Near Field Communication (NFC) signals,	22	The cover of claim 13, wherein the wireless RF signals comprise at least one of contactless signals, proximity signals, Near Field Communication (NFC) signals,	Same

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
	Bluetooth signals, Ultra-wideband (UWB) signals, or Radio Frequency Identifier (RFID) signals.		Bluetooth signals, Ultra-wideband (UWB) signals, or Radio Frequency Identifier (RFID) signals.	
23	The cover of claim 13, wherein the communication module further comprises a protocol translation module further configured to translate signals between wireless protocols compatible with the retail terminal and an internal transaction application.	23	The cover of claim 13, wherein the communication module further comprises a protocol translation module further configured to translate signals between wireless protocols compatible with the retail terminal and an internal transaction application.	Same
24	The cover of claim 13, further comprising a cryptographic module configured to decrypt received signals prior to processing by the transaction module and encrypt at least part of the transaction response prior to wireless transmission.	24	The cover of claim 13, further comprising a cryptographic module configured to decrypt received signals prior to processing by the transaction module and encrypt at least part of the transaction response prior to wireless transmission.	Same
25	The cover of claim 13, further comprising an authentication module configured to authenticate at least one of a network of the mobile host device, the mobile device, or a user.	25	The cover of claim 13, further comprising an authentication module configured to authenticate at least one of a network of the mobile host device, the mobile device, or a user.	Same
26	The cover of claim 13, further comprising a bootstrap module configured to execute one or more authentication processes in response to at least insertion in the port of the mobile device.	26	The cover of claim 13, further comprising a bootstrap module configured to execute one or more authentication processes in response to at least insertion in the port of the mobile device.	Same
27	The cover of claim 26, wherein the one or more authentication processes authenticates at least one of a network, a mobile device, or a user.	27	The cover of claim 26, wherein the one or more authentication processes authenticates at least one of a network, a mobile device, or a user.	Same
28	The cover of claim 13, further comprising an activation module configured to activate access to user credentials from the plurality of selectable user credentials and transmit to an associated financial institution a request to activate an associated user account.	28	The cover of claim 13, further comprising an activation module configured to activate access to user credentials from the plurality of selectable user credentials and transmit to an associated financial institution a request to activate an associated user account.	Same
29	The cover of claim 28, wherein access to user credentials from the plurality of selectable user credentials is activated based, at least in part, on a user manually entering an activation code using the GUI of the mobile device.	29	The cover of claim 28, wherein access to user credentials from the plurality of selectable user credentials is activated based, at least in part, on a user manually entering an activation code using the GUI of the mobile device.	Same
30	The cover of claim 13, the transaction module further configured to receive user selections through the GUI for the different	30	The cover of claim 13, the transaction module further configured to receive user selections through the GUI for the different	Same

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
	user accounts associated with the plurality of selectable user credentials.		user accounts associated with the plurality of selectable user credentials.	
31	The cover of claim 13, the communication module further configured to receive requests to update the plurality of selectable user credentials through a wireless connection with a cellular core network or a wired connection with a broadband network.	31	The cover of claim 13, the communication module further configured to receive requests to update the plurality of selectable user credentials through a wireless connection with a cellular core network or a wired connection with a broadband network.	Same
32	The cover of claim 31, the communication module further configured to at least add new sets of user credentials or delete existing user credentials based, at least in part, on the update requests.	32	The cover of claim 31, the communication module further configured to at least add new sets of user credentials or delete existing user credentials based, at least in part, on the update requests.	Same
33	The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the communication module further configured to switch to the default user credentials in response to at least completing the requested transaction using a different one of the plurality of selectable user credentials.	33	The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the communication module further configured to switch to the default user credentials in response to at least completing the requested transaction using a different one of the plurality of selectable user credentials.	Same
34	The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the security module further configured to switch to a default user credentials in response to at least expiration of a period of time to complete a transaction using non-default user credentials.	34	The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the security module further configured to switch to a default user credentials in response to at least expiration of a period of time to complete a transaction using non-default user credentials.	Same
35	The cover of claim 13, wherein the plurality of selectable credentials are each loaded into the secure memory from a different institution.	35	The cover of claim 13, wherein the plurality of selectable credentials are each loaded into the secure memory from a different institution.	Same
36	The cover of claim 13, wherein the cover substantially maintains attributes of the mobile device.	36	The cover of claim 13, wherein the cover substantially maintains attributes of the mobile device.	Same
37	The cover of claim 36, wherein the attributes include at least one of dimensions, accessibility to peripherals, charging, battery life, signal strength, access to the GUI, connectivity to wireless networks, or interface capability with clients.	37	The cover of claim 36, wherein the attributes include at least one of dimensions, accessibility to peripherals, charging, battery life, signal strength, access to the GUI, connectivity to wireless networks, or interface capability with clients.	Same
38	The cover of claim 36, wherein the substantially maintained attributes do not void certification by regulatory authorities or a warranty of the mobile device.	38	The cover of claim 36, wherein the substantially maintained attributes do not void certification by regulatory authorities or a warranty of the mobile device.	Same

	Claims in US Application		Patentable Claims in PCT Application	Explanation regarding the correspondence
39	A system for a mobile device, comprising: side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device; a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device ; a physical interface included in at least one of the surfaces that receives a memory device external to the mobile device after inserting the mobile device in the cover; a circuit that connects the physical interface to the connector; and a transaction card comprising: a means for connecting to the physical interface of the mobile device, wherein the mobile device includes a Graphical User Interface (GUI); a means for wirelessly receiving Radio Frequency (RF) signals from and transmits RF signals to an access terminal; a means for storing a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions; a means for presenting information through the GUI of the mobile device; and a means for dynamically switching between the plurality of selectable user credentials in response to at least an event and wirelessly transmitting to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.	39	A system for a mobile device, comprising: side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile device; a rear surface configured to be adjacent at least a portion of a rear surface of the mobile device and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile device ; a physical interface included in at least one of the surfaces that receives a memory device external to the mobile device after inserting the mobile device in the cover; a circuit that connects the physical interface to the connector; and a transaction card comprising: a means for connecting to the physical interface of the mobile device, wherein the mobile device includes a Graphical User Interface (GUI); a means for wirelessly receiving Radio Frequency (RF) signals from and transmits RF signals to an access terminal; a means for storing a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions; a means for presenting information through the GUI of the mobile device; and a means for dynamically switching between the plurality of selectable user credentials in response to at least an event and wirelessly transmitting to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.	Same

Updating Mobile Devices With Additional Elements

CLAIM OF PRIORITY

This application claims priority to U.S. Patent Application Serial No. 60/971,813, filed on September 12, 2007, the entire contents of which are hereby incorporated by reference.

TECHNICAL FIELD

This invention relates to mobile devices and, more particularly, to updating mobile devices with additional elements.

BACKGROUND

Portable electronic devices and tokens have become an integrated part of the regular day to day user experience. There is a wide variety of common portable and handheld devices that users have in their possession including communication, business and entertaining devices such as cell phones, music players, digital cameras, smart cards, memory token and variety of possible combinations of the aforementioned devices and tokens. All of these devices share the commonality that consumer are accustomed to carrying them with them most of the time and to most places. This is true across the various demographics and age groups regardless of the level of the sophistication of the consumer, their age group, their technical level or background.

These common handheld devices offer options for expandable memory. Micro Secure Digital (microSD) is the popular interface across high-end cellphones while SD and MultiMediaCard (MMC) interfaces are also available in limited models. MicroSD is the least common denominator supported by the majority of these devices and tokens (in terms of size). In addition, adaptors are available to convert a MicroSD into MiniSD, SD, MMC and USB Although most popular MP3 player (iPOD) offer's a proprietary interface, competing designs do offer standard interfaces. Digital cameras offer mostly SD and MMC while extreme Digital (xD) is another option. Micro and Mini versions of these interfaces are also available in several models. Mini-USB is increasingly available across cellphones, digital cameras and MP3 players for synchronization with laptops.

SUMMARY

The present disclosure is directed to a system and method for updating mobile devices with additional elements. In some implementations, a cover for a mobile device includes side surfaces, a rear surface, a physical interface, and a circuit. The side surfaces and the rear surface are configured to be adjacent at least a portion one or more side surfaces of the mobile phone. The side surfaces and the rear surface form an opening that receives at least a portion of the mobile device. A first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile phone. The physical interface includes in at least one of the surfaces that receives a memory device external to the mobile device. The circuit connects the physical interface to the connector.

The details of one or more embodiments of the invention are set forth in the accompanying drawings and the description below. Other features, objects, and advantages of the invention will be apparent from the description and drawings, and from the claims.

DESCRIPTION OF DRAWINGS

FIGURE 1 is an example updating system in accordance with some implementations of the present disclosure;

FIGURES 2A to 2C illustrate cross sectional views of some implementations of the cover of FIGURE 1;

FIGURES 3A and 3B illustrate example slots in the cover of FIGURE 1;

FIGURE 4 illustrates an example converter module of the cover of FIGURE 1;

FIGURE 5 is an example transaction system that transmits transaction information;

FIGURE 6 is an example transaction system that transmits transaction information through a cellular network;

FIGURE 7 is an example transaction card of FIGURE 5 in accordance with some implementations of the present disclosure;

FIGURE 8 is an example intelligent card that selectively switching an antenna;

FIGURE 9 is another example transaction system;

FIGURE 10 is a schematic diagram illustrating personalization processes of intelligent cards;

FIGURE 11 is a flow chart illustrating an example method for initialize an intelligent card;

FIGURE 12 is an example call flow illustrating call sessions with an intelligent card;

FIGURE 13 is a flow chart illustrating an example method for activating a transaction card;

FIGURE 14 is an example secure memory of an intelligent card for storing multiple user credentials; and

FIGURE 15 is a flow chart illustrating an example method for dynamically switching between user accounts.

Like reference symbols in the various drawings indicate like elements.

DETAILED DESCRIPTION

FIGURE 1 is a block diagram illustrating an example system 100 for augmenting a mobile device, for example an iPhone, with additional external devices using a cover for the mobile device. For example, the system 100 may add an external micoSecureDigital (microSD) slot to a mobile host device, for example an iPhone, using a flexible cover that encloses at least a portion of the mobile device and connects to a port of the mobile device. Aside from microSD, the system 100 may add an external memory device to a mobile device using other interfaces such as, for example, MultiMediaCard (MMC), SD, miniSD, Firewire, and/or others. By adding external devices (*e.g.*, memory, transaction cards), the system 100 may upgrade a mobile device that does not include expansion slots with additional external devices while substantially maintaining the dimensions of the device. For example, the cover may increase the dimensions of the by 5 percent or less. In other words, the cover may add a device slots to a mobile device while substantially maintaining original attributes such as speaker outputs, network signal strength, headphone jacks, battery charging, docking ports, and others. In some implementations, the system 100 may update mobile devices with external memory devices, transaction cards, and/or other devices. For example, the intelligent card may wirelessly execute transactions with different enterprises using a single intelligent card and independent of a mobile host device. In

other words, a single intelligent card included with the cover may execute a payment transaction with a financial institution, an access control transaction with a enterprise network, a ticket purchase transaction with a transit authority and/or an identity validation transaction with a government agency. In such implementations, each of the transactions can securely identify a user and user privileges with respect to the services being received from the different enterprises. In doing so, the cover including the intelligent card may operate as a logical wallet. In some of these implementations, the cover may include a circuit that converts signals between a form compatible with an external memory device (*e.g.*, microSD) and a form compatible with the mobile device (*e.g.*, USB). In addition, the system 100 may include an intelligent card integrated into an the cover such that removable may at least partially damage the cover.

At a high level, the system 100 includes a cover 102, an external device 104, a mobile device 106 and a network 108. The cover 102 including a slot 110 for connecting to the external device 104, a connector 112 for connecting to the mobile device 106, and a circuit 114 for communicably connecting the slot 110, an antenna 115 for boosting transmission and reception of RF signals, and the connector 112. The cover 102 may update the mobile device 106 with an external device 104. In addition, the cover 102 encloses at least a portion of the mobile device 106. In the case of enclosing a portion of the mobile device 106, the cover 102 may include other aspects that expose ports of the mobile device 106 for connecting with external peripherals such that the cover 102 does not substantially interfere with such connections. In other words, the cover 102 may either include ports substantially aligned with ports of the mobile device 106 or provide openings that allow substantially unrestricted access to the original ports of the device 106 (*see* FIGURE 2C). The mobile device 106 may be communicable coupled to the network 108. The mobile device 106 includes a Graphical User Interface (GUI) 116 for presenting information to and/or receiving information from users.

The cover 102 can include any software, hardware, and/or firmware configured to update the mobile device 106 with one or more external devices slots. For example, the cover 102 may include a microSD slot and a physical interface for connecting to a port of the mobile device. In this example, the cover 102 may connect the microSD slot to the mobile device 106 using the physical interface. In some implementations,

the cover 102 may include one or more of the following: one or more slots for external devices (*e.g.*, memory, wireless transaction cards); one or more connectors that connect to the mobile device 106; one or more circuits for connecting the one or more slots to the one or more connectors; a conversion module that converts signals between different formats; a biometric reader that determines biometric information of a user of the mobile device 106; and/or other elements. In some implementations, the cover 102 may be formed of a flexible material such as, for example, silicone rubber, a soft neoprene, and/or other material. The opening formed by the cover 102 may be substantially be the same as or less than the dimensions of the mobile device 106. In the case of the opening dimensions being less, the cover 102 may be slightly flexible to stretch over the mobile device 106. The cover 102 may substantially maintain attributes of the mobile device 106, such as dimensions, accessibility to peripherals as provided by the device, charging, battery life, signal strength, access to display and all other input devices, connectivity to the wireless network if any, interface capability to a PC if any and any other features provided by the device. In maintaining the attributes, the added functionality may not degrade the device performance in any manner such that certification by regulatory authorities (*e.g.*, FCC) and warranty by the issuer of the device 106 is compromised.

In the illustrated implementation, the cover 102 includes the slot 110, the connector 112 and the circuit 114. The slot 110 may comprise an MMC, miniMMC, microMMC, SD, miniSD, microSD, and/or other slots. The slot 110 may including an opening such that the external device 104 may be inserted after the mobile device 106 is inserted into the cover 102. In some implementations, the slot 110 may be formed in the rear surface such that cover 102 is removed or at least portion moved away from the surface of the mobile device 106 to insert the external device 104. In some implementations, the slot 110 and the external device 104 are integrated into the cover 102, and in this case, the external device 104 may not be removable without damaging the cover 102. The connector 112 includes at least a portion that connects to a port of the mobile device 106. The connector 112 may include a USB, iDock, microUSB, Firewire, Serial, and/or other connectors offered by the mobile device 106. In some implementations, the connector 112 may include a first interface for connecting to the mobile device 106 and a second interface for connecting with external devices. The second interface may be substantially similar in dimensions and interface capabilities

as the original connector of the mobile device 106. In these instances, the connector 112 may pass one or more signals from external devices to the mobile device 106 without, for example, interfering with the connecting to the external device 104. For example, the connector 112 may include a second interface that connects with the power supply of the mobile device 106 and passes the signal to the mobile device 106 for charging. The circuit 114 can include any software, hardware, and firmware for communicably connecting the slot 110 with the connector 112. For example, the circuit 114 may include one or more wired connections between the slot 110 and the connector 112. In addition, the circuit 114 may also include a booster antenna that may enhance the signal reception capability of the mobile device 106 and/or the signal reception capability of any wireless transaction cards inserted into the slot 110 (*see* FIGURE 2A). In some implementations, the circuit 114 may execute one or more of the following: pass signals between the slot 110 and the connector 112; translated or otherwise convert signals between forms compatible with the external device 104 and forms compatible with the mobile device 106; detect biometric information of a user of the mobile device 106; manage access to the external device 104 based, at least in part, on detected biometric information; enhance signal reception of the host device via an integrated booster antenna; enhance signal reception of a wireless transaction card inserted into the slot; provide access to software and system on the device inserted into the slot for an application residing on the mobile device; and/or other processes.

The external device 104 can include any software, hardware, and/or firmware configured to update the mobile device 106 with one or more features and/or functions. For example, the external device 104 may include solid-state memory (*e.g.*, flash, EEPROM) for storing information received, for example, from the mobile device 106. The external device 104 may update the mobile device 106 with, for example, external memory, a wireless transaction card, a broadcast receiver, a broadband transceiver, and/or other elements. In regards to memory, the external device 104 may be a Flash or memory package, which is non-volatile memory that may be electrically erased and reprogrammed. The external device 104 may be a memory card, USB Flash drives, and/or other memory device. For example, the external device 104 may include Electrically Erasable Programmable Read-Only Memory (EEPROM) that is erased and programmed in blocks. In regards to memory cards, the external device 104 may be MMC, microMMC, miniMMC, SD, microSD,

miniSD, Memory Stick, Memory Stick Duo, xD-Picture Card, Secure Digital High Capacity (SDHC), and/or other memory card. In some implementations, the external device 104 may include a memory capacity between 1MB and 1TB. Alternatively or in addition, the external device 104 may be a transaction card as discussed with respect to FIGURES 5 to 14. In these implementations, the external card 104 may wirelessly execute transactions with, for example, a point of sale device. In some implementations, the external card 104 is integrated/embedded into the cover 102. The external card 104 may store user credentials for a credit card, a debit card, a prepaid card, a gift card, a checking account, and/or other user accounts. In addition, the intelligent card may also store user credentials for other applications such as loyalty (points for purchase), airline (access to clubs, check-in), state (driving license), memberships (clubs) and/or others where user credentials are used to identify user so that goods and/or services can be provided. By storing multiple user credentials in a single external card 104, the system 100 may execute transactions with different institutions without requiring multiple instruments, as discussed in more detail with respect to FIGURES 5-14.

The mobile device 106 comprises an electronic device operable to interface with the cover 102 using one or more ports. For example, the mobile device 106 may have an iDock port that connects with the cover 102. As used in this disclosure, the mobile device 106 is intended to encompass cellular phones (*e.g.*, iPhone), data phones, pagers, portable computers, SIP phones, smart phones, personal data assistants (PDAs), digital cameras, MP3 players, camcorders, one or more processors within these or other devices, or any other suitable processing devices capable of communicating information with the cover 102 through one or more ports and may not have otherwise have a slot for external card 104 could be directly plugged in. The one or more ports may include, for example, a USB port, an iDock port, a FireWire port, , a serial port and/or any other interface port provided by the mobile device for connectivity with peripherals, and/or other ports. In some implementations, the mobile devices 106 may be based on cellular radio technology. For example, the mobile device 106 may be a PDA operable to wirelessly connect with an external or unsecured network. In another example, the mobile device 106 may comprise a digital multimedia player that includes an input device, such as a keypad, a jog wheel, a jog dial, touch screen, or other device that can accept information or allows selection of

user interface elements, and an output device that conveys information associated with the system 100, including digital data, visual information, or GUI 116.

The GUI 116 comprises a graphical user interface operable to allow the user of the mobile device 106 to interface with at least a portion of the system 100 for any suitable purpose, such as executing transactions and/or and presenting transaction history. Generally, the GUI 116 provides the particular user with an efficient and user-friendly presentation of data provided by or communicated within the system 100 and/or also an efficient and user-friendly means for the user to self-manage settings and access services offered by an institution. The GUI 116 may comprise a plurality of customizable frames or views having interactive fields, pull-down lists, and/or buttons operated by the user. The term graphical user interface may be used in the singular or in the plural to describe one or more graphical user interfaces and each of the displays of a particular graphical user interface. The GUI 116 can include any graphical user interface, such as a generic web browser or touch screen, that processes information in the system 100 and presents the results to the user.

Network 108 facilitates wireless or wired communication between institutions and any other local or remote computer, such as the mobile device 106. Network 108 may be all or a portion of an enterprise or secured network. While illustrated as single network, network 108 may be a continuous network logically divided into various sub-nets or virtual networks without departing from the scope of this disclosure, so long as at least a portion of network 108 may facilitate communications with the mobile device 106. In some implementations, network 108 encompasses any internal or external network, networks, sub-network, or combination thereof operable to facilitate communications between various computing components in system 100. Network 108 may communicate, for example, Internet Protocol (IP) packets, Frame Relay frames, Asynchronous Transfer Mode (ATM) cells, voice, video, data, and other suitable information between network addresses. Network 108 may include one or more local area networks (LANs), radio access networks (RANs), metropolitan area networks (MANs), wide area networks (WANs), all or a portion of the global computer network known as the Internet, and/or any other communication system or systems at one or more locations.

FIGURES 2A to 2C illustrate cross-sectional views of the cover 102 of FIGURE 1. In particular, the views illustrate the components of the cover 102 that at

least augment the mobile device 106 with the card 104. In FIGURE 2A, the cover 102 includes a port-to-card converter module 202 (*e.g.*, USB-to-microSD), a reader 204, and an antenna 206. The converter module 202 can include any software, hardware, and/or firmware that converts between card-processable signals and signals compatible with the mobile device 106. In the illustrated example, the converter module 202 converts between SD signals and USB signals. The reader 204 can include any software, hardware, and/or firmware that verifies or otherwise determines user information such as biometric information. In the illustrated example, the reader 204 determines fingerprints of a user and may verify whether the user has access to the card 104. In addition, the reader 204 may pass the biometric information to an application on the mobile device 106 (through the converter 202 and/or the connector) for, for example, to securely verify the identity of the device holder. The mobile host device 106 may include biometric identity verification for applications such as mobile banking. In some implementations, an application can use the biometric reader 204 to first register the user's biometric identity on first use and thereafter match the biometric identity of the device holder with the registered biometric identity. The secure storage of the biometric identity for the user may be provided by the removable secure card 104 or could be located on a special secure memory embedded in the cover. For example, when the user changes devices 106, the identity footprint may be erased from the initial device (if he removes the cover 102 and the card 104). In addition, another application running on the CPU of the cover 102 may also use the biometric data to secure access to certain features and/or services. The antenna 206 may wirelessly transmit and receive RF signals associated with the card 104. In the transaction-card implementations, the antenna 206 may extend the transaction range of the card 104 for wirelessly executing transactions. FIGURE 2B is another illustration of a cross-sectional view of the cover 102. In this view, a connector 208 of the mobile device 106 is illustrated. For example, the connector 208 may be an iDock connector of an iPhone having 30 pins. FIGURE 2C is yet another cross sectional view of the cover 102. In this view, the cover 102 includes the openings 214A and 214B for speakers included with the mobile device 106 and a cavity 212 for connecting a power supply to the connector 112 and the connector 208. In this case, the mobile device 106 may be charged using the connector 208 without removing the cover 102.

FIGURES 3A and 3B illustrate different implementations of the slot 110. In FIGURE 3A, the slot 110 may be formed in the cover 102 such that a card 104 may be inserted and removed without lifting or otherwise removing at least a portion of the cover 102. In FIGURE 3B, the slot 110 is formed on the inside of the cover 102 such that the cover is at least partially lifted or otherwise removed to insert and remove the card 104.

FIGURE 4 illustrates some implementations of the convert module 202 that converts between USB and SD signals. As illustrated, the converter module 202 may receive a plurality of inputs associated with the card 104 and convert the signals to a form compatible with the connector 208 of the mobile device 106. In some implementations, the converter module 202 may convert, for example, between data formats. In some implementations, the converter module 202 may pass inputs to corresponding outputs such as for VDD and GND.

FIGURE 5 is a block diagram illustrating an example transaction system 500 for wirelessly executing transactions with different enterprises using a single intelligent card. For example, the system 500 may include a single microSD card that executes transactions with different enterprises (e.g., financial institutions) independent of a mobile host device. For example, a single microSD card may execute a payment transaction with a financial institution, an access control transaction with a enterprise network, a ticket purchase transaction with a transit authority and/or an identity validation transaction with a government agency. In such implementations, each of the transactions can securely identify a user and user privileges with respect to the services being received from the different enterprises. Aside from microSD, the system 500 may include other mass storage interfaces that connect an intelligent card to a host device such as, for example, MMC, SD, USB, Firewire, and/or others. A host device may include a cellphone, a smartphone, a PDA, a MP3 device, a digital camera, a camcorder, a client, a computer, and/or other device that includes, for example, a mass memory interface. In some implementations, an intelligent card can be a card that inserts into a host device and executes transactions independent of the host device. In executing transactions, the intelligent card may use a dual interface that connects to both the host device through a physical interface (e.g., SD, MMC, USB) and external devices through a wireless connection (e.g., NFC, ISO 14443, Bluetooth). The intelligent card may control or otherwise operate one or more hardware components of

the mobile host device (e.g., display, cellular radio technology) using the physical interface and wirelessly communicate with access terminals using the wireless interface. In some implementations, the intelligent card includes a plurality of user credentials with each identity set associated with a different institution. For example, the intelligent card may store user credentials for a credit card, a debit card, a prepaid card, a gift card, a checking account, and/or other user accounts. In addition, the intelligent card may also store user credentials for other applications such as loyalty (points for purchase), airline (access to clubs, check-in), state (driving license), memberships (clubs) and/or others where user credentials are used to identify user so that goods and/or services can be provided. By storing multiple user credentials in a single intelligent card, the system 500 may execute transactions with different institutions without requiring multiple instruments. In other words, a single intelligent card may operate as a logical wallet that locally stores information for different user accounts and switches between the different user accounts in response to at least an event. By providing an intelligent card, the system 500 may wirelessly execute transactions with institutions without either requiring additional hardware, software, and/or firmware and/or without requiring changes to existing hardware, software, and/or firmware for reader terminals to enable a user to wirelessly execute a transaction. In addition, the system 500 may eliminate, minimize or otherwise reduce the number of instruments possessed by an individual to execute transactions using different user accounts. In other words, the intelligent card may operate as a plurality of different instruments but implemented as a single device.

At a high level, the system 500 includes an offline store 502 and clients 504a and 504b coupled to institutions 506 through a network 108. While not illustrated, the system 500 may included several intermediary parties between the institution 506 and the network such as, for example, a transaction acquirer and/or a payment network host. The offline store 502 includes a mobile device 106a having a transaction card 104a and a Point of Sale (POS) device 514 that executes transactions with customers. The Access point 514 includes a Graphical User Interface (GUI) 509 for presenting information to and/or receiving information from users. In some implementations, the ACCESS POINT 514 may transmit a request to execute a transaction to the transaction card 104. The transaction card 104 may transmit transaction information to the ACCESS POINT 514. The client 504 includes the GUI 515 for presenting information

associated with the system 500. The client 504a includes a card reader 516 that interfaces the transaction card 104c with the client 504a. The institution 506 may authorize the transaction based, at least in part, on information transmitted by the transaction card 104. The mobile device 106 includes a GUI 116 for presenting information associated with financial transactions.

The enterprise 502 is generally at least a portion of an enterprise having a physical presence (e.g., building) for operations. For example, the enterprise 502 may sell goods and/or services at a physical location (e.g., a brick-and-mortar store) directly to customers. In this example, the enterprise 502 buys or otherwise receives goods (e.g., produce) from distributors (not illustrated) and then may sell these goods to customers, such as users of the mobile device 106. In general, the enterprise 502 may offer face-to-face experiences with customers in providing goods and/or services. For example, the enterprise 502 may be a click-and-mortar store such that a user selects a good or service using the Internet and purchases and receives the good or service at the enterprise 502. The enterprise 502 may provide one or more of the following services associated with goods: inventory, warehousing, distribution, and/or transportation. As a result, the enterprise 502 may not immediately distribute goods received from distributors. The enterprise 502 may include a single retail facility, one or more retail facilities at a single geographic location, and/or a plurality of retail facilities geographically distributed. In some cases, two or more entities may represent portions of the same legal entity or affiliates. For example, the enterprise 502 and distributors may be departments within one enterprise. In summary, the enterprise 502 may wirelessly execute financial transactions with the mobile device 106.

The transaction card 104 can include any software, hardware, and/or firmware configured to wirelessly execute transactions with the access point 514 using one of a plurality of selectable user accounts. For example, the transaction card 104 may select user credentials associated with one of the plurality of selectable user accounts (*e.g.*, financial accounts) and execute a contactless transaction with the access point 514 using the selected account and independent of the mobile device 106a. In other words, the transaction card 104 may wirelessly execute transactions without aspects of the transaction being executed by the mobile device 106. In addition, the transaction card 104 may locally-store user credentials and/or applications (*e.g.*, payment applications, access applications) for a plurality of selectable user accounts. The transaction card

104 may dynamically switch between user credentials and payment applications in response to at least an event. A switching event may include a selection from a user through the GUI 116, completion of a transaction, detection of a type of signal, determining a type of purchase (*e.g.*, groceries, clothes), change in geographic area (*e.g.*, GPS), and/or other events. The different user accounts may include a credit card account (*e.g.*, Visa, MasterCard), a retail account (*e.g.*, Target, Dillard's), a prepaid card, a gift card, a bank card (*e.g.*, Bank of America), an airline card, an identity card, a driving license, and/or others. In some implementations, the transaction card 104 may include user credentials for any combination of financial, retail, airline, corporate, state and/or other accounts. In some implementations, the transaction card 104 may locally-store applications for the plurality of selectable user accounts. For example, the transaction card 104 may execute a different application for each of the different user credentials. The different applications may execute transactions using different reader infrastructures, formats, protocols, encryption, type/structure of user credentials exchanged with the terminal, and/or other aspects.

The transaction card 104 may execute transactions with the access point 514 using short range signals such as NFC (e.g., ISO 18092/ECMA 340), ISO 14443, ISO 15693, Felica, MiFARE, Bluetooth, Ultra-wideband (UWB), Radio Frequency Identifier (RFID), and/or other signals compatible with retail payment terminals (e.g., access point 514). In some implementations, the transaction card 104 may include one or more chipsets that execute an operating system and security processes to independently execute the transaction. In doing so, the mobile device 106 does not require additional hardware, software, and/or firmware to wirelessly execution a transaction with the access point 514 such as an NFC transaction. In some implementations, the transaction card 104 may execute one or more of the following: dynamically switch between user credentials and/or applications in response to at least one or more events; wirelessly receive a request from the access point 514 to execute a transaction and/or transmit a response; translate between wireless protocols and protocols compatible with the transaction card 104; translate between transaction-card protocols and protocols compatible with mobile device 106; present and receive information (e.g., PIN request, PIN) from the user through the GUI 116; decrypt and encrypt information wirelessly transmitted between the transaction card 104 and the access point 514; execute applications locally stored in the transaction card 104;

selectively switch the antenna of the transaction card 104 on and off based, at least in part, on one or more events; execute authentication processes based, at least in part, on information received, for example, through the GUI 116; transmit a host signature to access point 514 in response to at least a transaction challenge; store, at least in part, details of the transaction executed between the card 104 and the access point 514; generate and/or present alerts (e.g., audio-visual alerts) to the user through the GUI 116; generate and/or transmit wireless-message alerts to the institution 506 using the mobile device 106 if cellular capable; and/or others. In some implementations, the transaction card 104 may initiate a transaction in response to at least a user selecting a graphical element in the GUI 116. The transaction card 104 may initiate a transaction with the access point 514 in response to at least wireless request transmitted by the access point 514. In some implementations, the transaction card 104 may selectively switch the antenna between an on and off state in response to one or more events. The one or more events may include a user request, completion of transaction, insertion of card 104 different mobile device, location change, timer events, detection of incorrect PIN entered by the user, change of wireless network that the device is connected to, message received from the institution 506 using wireless communication methods such as SMS, and/or other events. For example, the transaction card 104 may receive one or more commands to switch the antenna off from a cellular network (not illustrated) through the mobile device 106.

In some implementations, the transaction card 104 may initiate a transaction in response to at least a user selecting a graphical element in the GUI 116. The transaction card 104 may initiate a transaction with the ACCESS POINT 514 in response to at least wireless request transmitted by the ACCESS POINT 514. In some implementations, the transaction card 104 may selectively switch the antenna between an on and off state in response to one or more events. The one or more events may include a user request, completion of transaction, insertion of card 104 in a different mobile device, location change, timer events, detection of incorrect PIN entered by the user, change of wireless network that the device is connected to, message received from the institution 506 using wireless communication methods such as SMS, and/or other events. For example, the transaction card 104 may receive one or more commands to switch the antenna off from a cellular network (not illustrated) through the mobile device 106. In some implementations, the transaction card 104 may request

user identification such as a PIN, a user ID and password combination, biometric signature, and/or others.

In regards to translating between protocols, the transaction card 104 may process information in, for example, ISO 106416, a standard security protocol, and/or others. In this case, the transaction card 104 may translate between an NFC protocol (*e.g.*, ISO 18092) and the transaction-card protocol. In some implementations, ISO 106416 commands may be encapsulated within interface commands used to transmit data between the host device 514 and the card 104. In addition, the transaction card 104 may interface the mobile device 106 through a physical interface such as MicroSD, Mini-SD SD, MMC, miniMMC, microMMC, USB, miniUSB, microUSB, firewire, Apple iDock, and/or others. In regard to security processes, the transaction card 104 may implement one or more encryption algorithms to secure transaction information such as card number (*e.g.*, credit card number, debit-card number, bank account number), PIN, and/or other security related information. The security related information may include an expiry date, card verification code, user name, home phone number, user zip code and/or other user information associated with verifying an identity of the card holder. In some implementations, the transaction card 104 may execute private key (symmetric algorithms) such as DES, TDES and/or others or public key (asymmetric algorithms) such as RSA, elliptic curves, and/or others. In addition, the transaction card 104 may include memory (*e.g.*, Flash, EEPROM) for storing user data, applications, offline Webpages, and/or other information. In regards to applications, the transaction card 104 may execute a locally stored application and present information to and received information from the user through the GUI 116. For example, the transaction card 104 may execute an application used to synchronize an account balance with the institution 506 using the GUI 116 and the mobile device 106. Alternatively or in addition to applications, the transaction card 104 may present offline Web pages to the user using the GUI 116. In response to initiating a transaction, the transaction card 104 may automatically present an offline Web page through the GUI 116. In some implementations, the offline Web page can be associated with a institution 506. In some implementations, the transaction card 104 can be backward compatible and operate as a mass storage device. For example, if the wireless interface of the transaction card 104 is not available or deactivated, the transaction card 104 may operate as a mass storage device enabling users to access

data stored in the memory component (*e.g.*, Flash). In some implementations, the transaction card 104 can execute a set of initialization commands in response to at least insertion into the mobile device 106. These initialization commands may include determining device related information for the mobile device 106 (*e.g.*, phone number, signature, connected network information, location information and other available properties), determining user relating information (*e.g.*, PIN code, activation code), incrementing counters, setting flags and activating/deactivating functions according to pre-existing rules and/or algorithms.

In some implementations, the transaction card 104 may automatically execute one or more fraud control processes. For example, the transaction card 104 may identify an operational change and automatically transmit a notification to the financial institution based, at least in part, on the identified change. The transaction card 104 may execute two fraud control processes: (1) determine a violation of one or more rules; and (2) automatically execute one or more actions in response to at least the violation. In regards to rules, the transaction card 104 may locally store rules associated with updates to operational aspects of the transaction card 104. For example, the transaction card 104 may store a rule indicating a change in mobile host device 106 is an operational violation. In some implementations, the transaction card 104 may store rules based, at least in part, on updates to one or more of the following: phone number of host device 106; MAC address of host device 106; network wirelessly connected to host device 106; location of host device; and/or other aspects. In response to one or more events matching or otherwise violating rules, the transaction card 104 may execute one or more processes to substantially prevent or otherwise notify the institutions 506 of potentially fraudulent activity. For example, the transaction card 104 may execute a command to block an associated user account and/or the transaction card 104. Alternatively or in addition, the transaction card 104 may transmit a command to the institution 506 to call the mobile host device 106. In some implementations, the transaction card 104 may execute a command based, at least in part, on an event type. In some examples, the transaction card 104 may initiate a call with the institution 506 in response to at least a change in number of the host device 106. In some examples, the transaction card 104 may re-execute an activation process in response to at least a specified event type. An activation process may include activating the transaction card and/or financial account as discussed in more

detail with respect to FIGURE 13. In some implementations, the transaction card 104 may execute a command to disconnect the GUI 116 from the transaction card 104. The transaction card 104 may present a disconnection notification through the GUI 116 prior to executing the command. In some implementations, the transaction card 104 may transmit a command to the institution 506 to deactivate an account associated with the card 104.

In some implementations, the access point 514 may transmit a transaction request 517 to the transaction card 512 for information to generate an authorization request 518. In response to at least the transaction request, the transaction card 512 may transmit one or more transaction responses 519 identifying information associated with a user account. In some implementations, the access point 514 may transmit a request 518 to authorize a transaction to the institution 506. The authorization information may include an account number, a transaction amount, user credentials, and/or other information. In response to at least the transaction request 518, the institution 506 may transmit an authorization response 520 to the access point 514. In some implementations, the access point 114 may transmit the response 520 to the transaction card 512. The transaction response 520 may include, for example, a receipt presentable to the user through the GUI 116a. In some implementations, the institution 506 may transmit the authorization response 120 to the mobile device through a cellular core network (*see* FIGURE 7). In this implementation, the institution 506 may have stored the association between the mobile device 106 and the transaction card 104 during the user sign-up process, automatically upon user activation of the card 104 when, for example, the card 104 is initially inserted into the mobile device 106, and/or other event. In the illustrated implementation, the access point 514 includes the GUI 509.

The GUI 509 comprises a graphical user interface operable to allow the user of the access point 514 to interface with at least a portion of the system 500 for any suitable purpose, such as a user entering transaction information (*e.g.*, PIN, transaction acceptance) and/or and presenting transaction information (*e.g.*, transaction amount). Generally, the GUI 509 provides the particular user with an efficient and user-friendly presentation of data provided by or communicated within the system 500 and/or also an efficient and user-friendly means for the user to initiate a wirelessly transaction with the transaction card 104. The GUI 509 may present a series of screens or displays

to the user to, for example, accept a transaction and enter security information such as a PIN.

In some implementations, the transaction card 104 can be implemented differently. The transaction card 104 may be implemented as a KeyFOB and remains live outside the mobile device 106 as a FOB. In this case, the transaction card 104 may be passive and powered from an induction magnetic field generated by the access point 514. The transaction card 104 may be implemented in the form of an industrial integrated circuit chip for mounting on a PCB or IC chip. In some implementations, the transaction card 104 may be implemented in the form of a self contained desktop standalone unit powered by external AC adapter or stand alone box. In some implementations, the transaction card 104 can be implemented as an external attachment to a mobile device 106 (*e.g.*, case) and connected to the mobile device using a peripheral interface such as USB, serial port, the iDock apple proprietary interface, and/or other interface.

In some implementations, the transaction card 104 may operate in accordance with one or more of the following modes: active card emulation; active reader; self train; killed; memory; inactive; and/or other modes. The transaction card 104 may operate active-card-emulation mode to convert the mobile device 106 to a contactless payment device loaded with a financial vehicle (FV) that may be, for example, a credit card, a debit card, a gift card and/or other retail payment product. In this mode, the transaction card 104 may execute payment transactions at any capable retail payment terminal (*e.g.*, ACCESS POINT 514) that accepts contactless payment transactions. For example, such terminals may be contactless-enabled terminals currently being deployed by merchants under MasterCard's paypass, Visa's paywave programs, Amex ExpressPay, Discover Zip, and/or other payment programs. After the antenna of the transaction card 104 is activated in this mode, a merchant terminal may detect the presence of a host device with the transaction card 104 and prompt the user to authorize a transaction such as by entering a PIN, signing on a terminal interface, confirming the amount of the transaction, and/or other action. In this mode, such transactions may be handled as a normal card-present transaction. In other words, the access point 514 may perceive the transaction card 104 as a contactless plastic payment card and may communicate with the transaction card 104 as a contactless plastic payment card to execute payment transactions. In these implementations when

the card 104 operates in an active-card emulation mode, the access point 514 can wirelessly communicate with the transaction card 104 using the same signals used to communicate with a contactless plastic payment card. In this active-card emulation mode, the transaction card 104 emulates a contactless plastic payment card and may be backward compatible with the access point 514. In this implementation, neither the terminal nor the financial institution may require additional software to execute the transaction. In addition, the transaction card 104 in this mode may be used for other applications such as physical access control (to open gates either in a corporate environment or in a transit environment), logical access control (to request network access via a PC), application access control (to buy access for amenities such as transportation, movies or wherever payment needs to be made to gain access to a facility), and/or other applications.

In the active-reader mode, the transaction card 104 may convert the mobile device 106 to a contactless reader device capable of receiving data when in range of a transmitting terminal (*e.g.*, access point 514). In some implementations, this mode can require special NFC hardware with reader mode capability as part of the transaction card 104. In the event that the mobile device 106 is proximate (*e.g.*, 10 cm or less) a transmitting terminal, the reader mode of the transaction card 104 may activated and prompt the user for authorization to receive data through the GUI 116. This mode may only be suitable for mobile devices 106 with a UI element, such as an OK button and a screen, an LED to indicate that data reception is being requested, and/or other interfaces. Once the user authorizes the transmission, the transaction card 104 in this mode may receive, and locally store, process and may execute a transaction and/or forward received data to another entity. For example, the transaction card 104 in this mode may receive content through promotional posters, validating the purchase of a ticket, and/or others. For example, the transaction card 104 in this mode may function as a mobile POS terminal receiving transaction information from a plastic contactless card/FOB and instructing the access point 514 to prepare a transaction authorization request for the institution 506 through a cellular core network. Once the institution 506 authorizes the transaction, the mobile device 106 may display the confirmation of the transaction to the user through the GUI 116.

In regards to the self-train mode, the transaction card 104 may execute a version of the reader mode. In some implementations, the self-train mode can be

activated by a special action (*e.g.*, a needle point press to a small switch, entry of an administrative password via the GUI 116). In response to at least activating this mode, the transaction card 104 may be configured to receive personalization data over, for example, the short range wireless interface from another peer transaction card such as the plastic contactless cards compliant with this functionality and issued by the institution 506 or a specially prepared administrative card for this purpose. Personalization data received in this mode may include encrypted FV information that is stored in secured memory of the transaction card 104. In some implementations, the transaction card 104 in this mode may receive the FV information through a contactless interface of a transmitter and/or others. The transaction card 104 may then synthesize the FV information that corresponds to the user account and personalize an internal security module that includes, for example, payment applications for executing transactions with institutions 506 and associated user credentials. The self-train mode may be used to re-personalize the transaction card 104 in the field. In some implementations, all previous data can be deleted if the self-train mode is activated. The self-train mode may be a peer-to-peer personalization mode where the card 104 may receive personalization information from another transaction card 104. This mode may represent an additional personalization mode as compared with factory, store and/or Over-The-Air (OTA) personalization scenarios which may be server to client personalization scenarios. In some implementations, the self-train mode may be a peer-to-peer personalization mode where the transaction card 104 receives personalization information from another transaction card. Since two transaction cards 104 are used in this mode, this mode may be different from a server-to-client personalization scenario as with a factory, store, and OTA personalization.

In regards to the inactive mode, the transaction card 104 may temporarily deactivate the contactless interface. In some implementations, the inactive mode can be activated through the physical interface with the mobile device 106 such as a microSD interface. In response to at least the activation of the inactive mode, the transaction card 104 may temporarily behave as only a mass-memory card. In some implementations, the card 104 may also enter this state when the reset needle point is pressed. In this mode, the transaction card 104 may preserve locally-stored information including financial user data. In this mode, the transaction card 104 may execute the activation process and if successful may return to the active mode.

Institutions 506 may use this mode to temporarily prevent usage in response to at least identifying at least potentially fraudulent activity.

In regards to the killed mode, the transaction card 104 may permanently deactivate the contactless interface. In some implementations, the killed mode is activated through the physical interface with the mobile device 106 such as a microSD interface. In response to at least the activation of the killed mode, the transaction card 104 may permanently behaves as a mass memory stick. In the event that the reset needle point is pressed, the transaction card 104 may, in some implementations, not be made to enter any other modes. In addition, the transaction card 104 may delete financial content in memory in response to at least this mode being activated. In some implementations, institutions 506 may use this mode to delete data from a transaction card 104 that is physically lost but still connected to the wireless network via the host device 106.

In regards to the memory mode, the transaction card 104 may operate as a mass memory stick such that the memory is accessible through conventional methods. In some implementations, the transaction card 104 may automatically activate this mode in response to at least being removed from the host device, inserted into a non-authorized host device, and/or other events. The transaction card 104 may be switched to active mode from the memory mode by, for example, inserting the card 104 into an authorized device or may be switched from this mode into the self-train mode to re-personalize the device for a new host device or a new user account. In some implementations, the memory mode may operate substantially same as the inactive mode.

In some implementations, the transaction card 104 may be re-personalized/updated such as using software device management process and/or a hardware reset. For example, the user may want to re-personalize the transaction card 104 to change host devices, to have multiple host devices, and/or other reasons. In regards to the software device management, the user may need to cradle the new host device with the transaction card 104 inserted to launch the software device management application. In some implementations, the software management application can be an application directly installed on the client 504, integrated as a plug-in to a normal synchronization application such as ActiveSync, available via a browser plug-in running on the plug-in provider's website, and/or other sources. The

user may log into the application and verify their identity, and in response to verification, the application may allow access to a devices section in the device management application. The device management application may read the transaction card 104 and display the MAC addresses, signatures of the devices that he has inserted his plug-in to, and/or other device specific information. The mobile device 106 may be marked as active and the host device may be shown as disallowed or inactive. The application may enable the user to update the status of the new host device, and in response to at least the selection, the device management application may install the signature on the new host device and mark update the status as allowable in secure memory of the transaction card 104. The user may be able to also update the status of the mobile device 106 to disallowed. Otherwise, both devices may be active and the transaction card 104 may be switched between the two devices. In regards to the hardware reset process, the use may use the reset needle point press on the physical transaction card 104 to activate the self-train mode. In this mode, the financial data may be deleted and have to be reloaded. When the transaction card 104 is inserted into the new host device, the provisioning process may begin as discussed above.

The access point 514 can include any software, hardware, and/or firmware that wirelessly receive account information for executing a transaction with one or more institutions 506. For example, the access point 514 may be an electronic cash register capable of wirelessly transmitting transaction information with the transaction card 104a. The access point 514 may transmit information in one or more the following formats: 14443 Type A/B, Felica, MiFare, ISO 18092, ISO 15693; and/or others. The transaction information may include verification information, check number, routing number, account number, transaction amount, time, driver's license number, merchant ID, merchant parameters, credit-card number, debit-card number, digital signature and/or other information. In some implementations, the transaction information may be encrypted. In illustrated implementation, the access point 514 can wirelessly receive encrypted transaction information from the transaction card 104 and electronically send the information to one or more of the institutions 506 for authorization. For example, the access point 514 may receive an indication that a transaction amount has been accepted or declined for the identified account and/or request additional information from the transaction card 104.

As used in this disclosure, the client 504 are intended to encompass a personal computer, touch screen terminal, workstation, network computer, a desktop, kiosk, wireless data port, smart phone, PDA, one or more processors within these or other devices, or any other suitable processing or electronic device used for viewing transaction information associated with the transaction card 104. For example, the client 504 may be a PDA operable to wirelessly connect with an external or unsecured network. In another example, the client 504 may comprise a laptop that includes an input device, such as a keypad, touch screen, mouse, or other device that can accept information, and an output device that conveys information associated with transactions executed with the institutions 506, including digital data, visual information, or GUI 515. In some implementations, the client 504b can wirelessly communicate with the transaction card 104b using, for example, an NFC protocol. In some implementations, the client 504a includes a card reader 516 having a physical interface for communicating with the transaction card 104c. In some implementations, the card reader 516 may at least include an adapter that adapts the interface supported by the client 504 (*e.g.*, USB, Firewire, Bluetooth, WiFi) to the physical interface supported by the card 104 (*e.g.*, SD/NFC). In this case, the client 504a may not include a transceiver for wireless communication.

The GUI 515 comprises a graphical user interface operable to allow the user of the client 504 to interface with at least a portion of the system 500 for any suitable purpose, such as viewing transaction information. Generally, the GUI 515 provides the particular user with an efficient and user-friendly presentation of data provided by or communicated within the system 500. The GUI 515 may comprise a plurality of customizable frames or views having interactive fields, pull-down lists, and/or buttons operated by the user. The term graphical user interface may be used in the singular or in the plural to describe one or more graphical user interfaces and each of the displays of a particular graphical user interface. The GUI 515 can include any graphical user interface, such as a generic web browser or touch screen, that processes information in the system 500 and presents the results to the user. The institutions 506 can accept data from the client 504 using, for example, the web browser (*e.g.*, Microsoft Internet Explorer or Mozilla Firefox) and return the appropriate responses (*e.g.*, HTML or XML) to the browser using the network 108. In some implementations, the GUI 116c of the transaction card 104c may be presented through the GUI 515a of the client 504a.

In these implementations, the GUI 515a may retrieve user credentials from the GUI 116c and populate financial forms presented in the GUI 515a. For example, the GUI 515a may present a forum to the user for entering credit card information to purchase a good through the Internet, and the GUI 515a may populate the form using the GUI 116c in response to at least a request from the user.

Institutions 506a-c can include any enterprise that may authorize transactions received through the network 108. For example, the institution 506a may be a credit card provider that determines whether to authorize a transaction based, at least in part, on information received through the network 506. The institution 506 may be a credit card provider, a bank, an association (e.g., VISA), a retail merchant (e.g., Target), a prepaid / gift card provider, an internet bank, a government entity, a club, and/or others. In general, the institution 506 may execute one or more of the following: receive a request to authorize a transaction; identify an account number and other transaction information (e.g., PIN); identify funds and/or a credit limit associated with the identified account; identify access privileges associated with the user account; determine whether the transaction request exceeds the funds and/or credit limit and/or violates any other rules associated with the account; transmit an indication whether the transaction has been accepted or declined; and/or other processes. In regards to banking, the institution 506 may identify an account number (e.g., bank account, debit-card number) and associated verification information (e.g., PIN, zip code) and determine funds available to the account holder. Based, at least in part, on the identified funds, the institution 506 may either accept or reject the requested transaction or request additional information. As for encryption, the institution 506 may use a public key algorithm such as RSA or elliptic curves and/or private key algorithms such as TDES to encrypt and decrypt data.

FIGURE 6 is a block diagram illustrating an example transaction system 600 for wirelessly communicating transactions information using cellular radio technology. For example, the system 600 may wirelessly communicate a transaction receipt to a transaction card 104 using a mobile host device 110 and cellular radio technology. In some implementations, cellular radio technology may include Global System for Mobile Communication (GSM), Code Division Multiple Access (CDMA), Universal Mobile Telecommunications System (UMTS), and/or any other cellular technology. The institutions 106 may assign one or more mobile host devices 110 to a transaction

card 104 in response to one or more events. In some examples, the user may register the one or more mobile devices 106 with the institution 506 in connection with, for example, requesting the associated transaction card 104. In some examples, the transaction card 104 may register the mobile host device 110 with the institution 506 in response to at least an initial insertion into the device 110. Regardless of the association process, the system 500 may use the cellular capabilities of the host devices 110 to communicate information between the institutions 106 and the transaction card 104. In using the cellular radio technology of the host device 110, the system 500 may communicate with the transaction card 104 when the card 104 is not proximate a retail device, such as the access point 514 of FIGURE 1.

In the illustrated implementation, the cellular core network 602 typically includes various switching elements, gateways and service control functions for providing cellular services. The cellular core network 602 often provides these services via a number of cellular access networks (*e.g.*, RAN) and also interfaces the cellular system with other communication systems such as the network 108 via a MSC 606. In accordance with the cellular standards, the cellular core network 602 may include a circuit switched (or voice switching) portion for processing voice calls and a packet switched (or data switching) portion for supporting data transfers such as, for example, e-mail messages and web browsing. The circuit switched portion includes MSC 606 that switches or connects telephone calls between radio access network (RAN) 604 and the network 108 or another network, between cellular core networks or others. In case the core network 602 is a GSM core network, the core network 602 can include a packet-switched portion, also known as General Packet Radio Service (GPRS), including a Serving GPRS Support Node (SGSN) (not illustrated), similar to MSC 606, for serving and tracking communication devices 106, and a Gateway GPRS Support Node (GGSN) (not illustrated) for establishing connections between packet-switched networks and communication devices 110. The SGSN may also contain subscriber data useful for establishing and handing over call connections. The cellular core network 602 may also include a home location register (HLR) for maintaining "permanent" subscriber data and a visitor location register (VLR) (and/or an SGSN) for "temporarily" maintaining subscriber data retrieved from the HLR and up-to-date information on the location of those communications devices 110 using a wireless communications method. In addition, the cellular core network 602 may include

Authentication, Authorization, and Accounting (AAA) that performs the role of authenticating, authorizing, and accounting for devices 110 operable to access GSM core network 602. While the description of the core network 602 is described with respect to GSM networks, the core network 602 may include other cellular radio technologies such as UMTS, CDMA, and others without departing from the scope of this disclosure.

The RAN 604 provides a radio interface between mobile devices and the cellular core network 602 which may provide real-time voice, data, and multimedia services (e.g., a call) to mobile devices through a macrocell 608. In general, the RAN 604 communicates air frames via radio frequency (RF) links. In particular, the RAN 604 converts between air frames to physical link based messages for transmission through the cellular core network 602. The RAN 604 may implement, for example, one of the following wireless interface standards during transmission: Advanced Mobile Phone Service (AMPS), GSM standards, Code Division Multiple Access (CDMA), Time Division Multiple Access (TDMA), IS-54 (TDMA), General Packet Radio Service (GPRS), Enhanced Data Rates for Global Evolution (EDGE), or proprietary radio interfaces. Users may subscribe to the RAN 604, for example, to receive cellular telephone service, Global Positioning System (GPS) service, XM radio service, etc.

The RAN 604 may include Base Stations (BS) 610 connected to Base Station Controllers (BSC) 612. BS 610 receives and transmits air frames within a geographic region of RAN 604 and communicates with other mobile devices 106 connected to the GSM core network 602. Each BSC 612 is associated with one or more BS 610 and controls the associated BS 610. For example, BSC 612 may provide functions such as handover, cell configuration data, control of RF power levels or any other suitable functions for managing radio resource and routing signals to and from BS 610. MSC 606 handles access to BSC 612 and the network 108. MSC 606 may be connected to BSC 612 through a standard interface such as the A-interface. While the elements of RAN 604 are describe with respect to GSM networks, the RAN 604 may include other cellular technologies such as UMTS, CDMA, and/or others. In the case of UMTS, the RAN 604 may include Node B and Radio Network Controllers (RNC).

The contactless smart card 614 is a pocket-sized card with embedded integrated circuits that process information. For example, the smart card 614 may wirelessly

receive transaction information, process the information using embedded applications and wirelessly transmit a response. The contactless smart card 614 may wirelessly communicate with card readers through RFID induction technology at data rates of 106 to 848 kbit/s. The card 614 may wirelessly communicate with proximate readers between 10cm (*e.g.*, ISO/IEC 14443) to 50cm (*e.g.*, ISO 15693). The contactless smart card 614 operates independent of an internal power supply and captures energy from incident radio-frequency interrogation signals to power the embedded electronics. The smart card 614 may be a memory card or microprocessor card. In general, memory cards include only non-volatile memory storage components and may include some specific security logic. Microprocessor cards include volatile memory and microprocessor components. In some implementations, the smart card 614 can have dimensions of normally credit card size (*e.g.*, 85.60 × 53.98 × .76 mm, 5 x 15 x .76 mm). In some implementations, the smart card 614 may be a fob or other security token. The smart card 614 may include a security system with tamper-resistant properties (*e.g.*, a secure cryptoprocessor, secure file system, human-readable features) and/or may be configured to provide security services (*e.g.*, confidentiality of stored information).

In some aspects of operation, the institution 506 may wirelessly communicate with the mobile host device 106 using the cellular core network 602. For example, the institution 506 may transmit information to the mobile host device 106 in response to at least an event. The information may include, for example, transaction information (e.g., transaction receipt, transaction history), scripts, applications, Web pages, and/or other information associated with the institutions 506. The event may include completing a transaction, determining a transaction card 104 is outside the operating range of a access point terminal, receiving a request from a user of the mobile host device, and/or others. For example, the institution 506 may identify a mobile host device 106 associated with a card 104 that executed a transaction and transmit transaction information to the mobile host device 106 using the cellular core network 602. In using the cellular core network 602, the institutions 506 may transmit information to the transaction card 104 without requiring an access point terminal being proximate to the card 104. In addition or alternatively, the institution 506 may request information from the mobile host device 106, the transaction card 104 and/or the user using the cellular core network 602. For example, the institution 506 may

transmit a request for transaction history to the card 104 through the cellular core network 602 and the mobile host device 106. In some implementations, the mobile host device 106c may operate as a mobile Point of Sale (POS) terminal configured to wirelessly execute transactions with the smart card 614. For example, a vendor may be mobile (e.g., a taxi driver) and may include a mobile host device 106c with a transaction card 104c. In this example, the transaction card 104c may wirelessly receive account information from the smart card 614 and transmit an authorization request to the institution 506 using the mobile host device 106 and the cellular core network 602.

In some implementations, the system 600 may execute one or more of the modes discussed with respect to FIGURE 5. For example, the transaction card 104 may be re-personalized/updated using the cellular radio technology of the mobile host device 106. The user may want to re-personalize the transaction card 104 to change host devices, to have multiple host devices, and/or other reasons. In regards to the software device management, the user may transmit to the institution 506 a request to re-personalize the transaction card 104 using the cellular radio technology of the host device 106.

FIGURE 7 illustrates is a block diagram illustrating an example transaction card 104 of FIGURE 1 in accordance with some implementations of the present disclosure. In general, the transaction card 104 includes personalized modules that execute financial transactions independent of the mobile device 106. The illustrated transaction card 104 is for example purposes only, and the transaction card 104 may include some, all or different modules without departing from the scope of this disclosure.

In some implementations, the transaction card 104 can include an interface layer 702, an API/UI 704, a Web server 706, a real-time framework 708, transaction applications 710, value added applications 712, user credentials 714, real-time OS 716, contactless chipset 718, antenna control functions 720, antenna 722, institution memory 724, and free memory 726. In some implementations, a host controller includes the interface layer 702, he API/UI 704, the Web server 706, the real-time framework 708, the contactless chipset 718, and the antenna control functions 720. In some implementations, a security module includes the transaction applications 710 and the user credentials 714. The institution memory 724 and free memory 726 may be

contained in Flash. In some implementations, the contactless chipset 718 may be integrated within the security module or operated as a standalone. The antenna 722 may be electronic circuitry.

The interface layer 702 includes interfaces to both the host device, *i.e.*, physical connection, and the external world, *i.e.*, wireless/contactless connection. In payment implementations, the wireless connection can be based on any suitable wireless standard such as contactless (*e.g.*, ISP 14443 A/B), proximity (*e.g.*, ISO 15693), NFC (*e.g.*, ISO 18092), and/or others. In some implementations, the wireless connection can use another short range wireless protocol such as Bluetooth, another proprietary interfaces used by retail payment terminals (Felica in Japan, MiFare in Asia, *etc.*), and/or others. In regards to the physical interface, the interface layer 702 may physically interface the mobile device 106 using an SD protocol such as MicroSD, Mini-SD or SD (full-size). In some implementations, the physical interface may include a converter/adapter to convert between two different protocols based, at least in part, on the mobile device 106. In some implementations, the mobile device 106 may communicate using protocols such as USB, MMC, iPhone proprietary interface, or others.

The API/UI layer 704 can include any software, hardware, and/or firmware that operates as an API between the mobile device 106 and the transaction card 104 and as the GUI 111. Prior to executing transactions, the transaction card 104 may automatically install drivers in the mobile device 106 in response to at least insertion. For example, the transaction card 104 may automatically install a MicroSD device driver in the device 110 to enable the transaction card 104 to interface the mobile device 106. In some implementations, the transaction card 104 may install an enhanced device driver such as a Mass Memory with Radio (MMR) API. In this implementation, the interface can drive a class of plug-ins that contain mass memory as well as a radio interface. The MMR API may execute one or more of the following: connect/disconnect to/from the MMR controller (Microcontroller in the plug-in); transfer data using MM protocol (e.g., SD, MMC, XD, USB, Firewire); send encrypted data to the MMR controller; receive Acknowledgement of Success or Error; received status word indicating description of error; turn radio on/off; send instruction to the transaction card 104 to turn the antenna on with specifying the mode of operation (e.g., sending mode, listening mode); transmit data such as send instruction to controller to

transmit data via the radio; listen for data such as send instruction to controller to listen for data; read data such as send instruction to controller to send the data received by the listening radio; and/or others. In some implementations, MMR can be compliant with TCP/IP. In some implementations, API encapsulated ISO 110416 commands may be processed by the security module in addition to other commands.

In some implementations, the API can operate in accordance with the two processes: (1) the transaction card 104 as the master and the mobile device 106 as the slave; and (2) the card UI as the master. In the first process, the transaction card 104 may pass one or more commands to the mobile device 106 in response to, for example, insertion of the transaction card 104 into a slot in the mobile device 106, a transaction between the transaction card 104 and the access point 514, and/or other events. In some implementations, the transaction card 104 can request the mobile device 106 to execute one or more of following functions: Get User Input; Get Signature; Display Data; Send Data; Receive Data; and/or others. The Get User Input command may present a request through the GUI 111 for data from the user. In some implementations, the Get User Input may present a request for multiple data inputs. The data inputs may be any suitable format such as numeric, alphanumeric, and/or other strings of characters. The Get Signature command may request the mobile device 106 to return identification data such as, for example, a phone number, a device ID like an IMEI code or a MAC address, a network code, a subscription ID like the SIM card number, a connection status, location information, Wi-Fi beacons, GPS data, and/or other device specific information. The Display Data command may present a dialog to the user through the GUI 111. In some implementations, the dialog can disappear after a period of time, a user selection, and/or other event. The Send Data command may request the mobile device 106 to transmit packet data using its own connection to the external world (*e.g.*, SMS, cellular, Wi-Fi). The Receive Data command may request the mobile device 106 to open a connection channel with certain parameters and identify data received through the connection. In some implementations, the command can request the mobile device 106 to forward any data (*e.g.*, SMS) satisfying certain criteria to be forwarded to the transaction card 104.

In regards to the UI as master, the UI may execute one or more of the following commands: security module Command/Response; Activate/Deactivate; Flash Memory Read/Write; Send Data with or without encryption; Receive Data with or without

decryption; URL Get Data / URL Post Data; and/or others. The security module commands may relate to security functions provided by the card and are directed towards the security module within the transaction card 104 (*e.g.*, standard ISO 110416 command, proprietary commands). In some implementations, the commands may include encryption, authentication, provisioning of data, creation of security domains, update of security domain, update of user credentials after verification of key, and/or others. In some implementations, the commands may include non security related smart card commands such as, for example, read transaction history commands. The read transaction history command may perform a read of the secure memory 724 of the transaction card 104. In some implementations, certain flags or areas of the secure memory 724 may be written to after security verification. The Activate/Deactivate command may activate or deactivate certain functions of the transaction card 104. The Flash Memory Read/Write command may execute a read/write operation on a specified area of the non-secure memory 726. The Send Data with or without encryption command may instruct the transaction card 104 to transmit data using its wireless connection with, for example, the access point 514. In addition, the data may be encrypted by the transaction card 104 prior to transmission using, for example, keys and encryption capability stored within the security module. The Receive Data with or without decryption command may instruct the transaction card 104 to switch to listening mode to receive data from its wireless connection with the terminal/reader (*e.g.*, access point 514). In some implementations, data decryption can be requested by the security module using, for example, keys and decryption algorithms available on the security module, *i.e.*, on-board decryption. The URL Get Data/URL Post Data command may instruct the web server 706 to return pages as per offline get or post instructions using, for example, offline URLs.

The Web server 706, as part of the OS of the transaction card 104, may assign or otherwise associate URL style addressing to certain files stored in the memory 726 (*e.g.*, flash) of the transaction card 104. In some implementations, the Web server 706 locates a file using the URL and returns the file to a browser using standard HTTP, HTTPS style transfer. In some implementations, the definition of the files can be formatted using standard HTML, XHTML, WML and/or XML style languages. The file may include links that point to additional offline storage locations in the memory 726 and/or Internet sites that the mobile device 106 may access. In some

implementations, the Web server 706 may support security protocols such as SSL. The Web server 706 may transfer an application in memory 726 to the mobile device 106 for installation and execution. The Web server 706 may request the capabilities of the browser on the device 110 using, for example, the browser user agent profile, in order to customize the offline Web page according to the supported capabilities of the device and the browser, such as, for example, supported markup language, screen size, resolution, colors and such.

As part of the Real time OS, the real-time framework 708 may execute one or more functions based, at least in part, on one or more periods of time. For example, the real-time framework 708 may enable an internal clock available on the CPU to provide timestamps in response to at least requested events. The real-time framework 708 may allow certain tasks to be pre-scheduled such that the tasks are executed in response to at least certain time and/or event based triggers. In some implementations, the real-time framework 708 may allow the CPU to insert delays in certain transactions. In some implementation, a part of WAP standards called WTAI (Wireless Telephoney Application Interface) can be implemented to allow offline browser pages on the card 104 to make use of functions offered by the mobile device 106 (*e.g.*, send / receive wireless data, send / receive SMS, make a voice call, play a ringtone etc.).

The transaction applications 710 can include any software, hardware, and/or firmware that exchanges transaction information with institutions using, in some instances, a pre-defined sequence and/or data format. For example, the transaction applications 710 may generate a response to a transaction request by selecting, extracting or otherwise including user credentials in the response, in a format compatible with an access points processing application. In some implementations, the transaction applications 710 may execute one or more of the following: transmit properties of the transaction card 104 in response to at least an identification request received from the access point 514; receive a request to execute a transaction from, for example, the access point 514; identify user credentials in the institution memory 724 in response to at least the request; generate a transaction response based, at least in part, on the user credentials; transmit the transaction response to the access point 514 using, for example, a contactless chipset; receive clear data, for example a random number, from the access point 514 and provide a response containing encrypted data

by encrypting the clear data using the cryptographic capabilities of the secure element; transmit the encrypted data using the contactless chipset 718; increment a transaction counter with every transaction request received; transmit a value of the transaction counter in response to a request from the access point 514; store details of the transaction request received from the access point 514 into the transaction history area of the institution memory 724; transmit transaction history to the CPU of the intelligent card 104 in response to such a request; receive ISO 110416 requests from the CPU of the intelligent card 104; execute corresponding transactions using the secure element OS; provide responses back to the CPU; and/or other processes. In generating the transaction response, the transaction application 710 may generate the response in a format specified by the network associated with a institution 506 or a proprietary format owned and defined by the institution 506 and processible by the access point 514. The transaction request may include one or more of the following: user credentials (*e.g.*, account number); expiry data, card verification numbers; a transaction count;; and/or other card or user information. In some implementations, the transaction application 710 may comprises a browser application to enable transactions. The browser application 710 may be a browser that may be installed if the device 106 is either missing a browser or has a browser that is incompatible with the Web server 706 on the card 104. After installation of such browser 710, future communications between the mobile device 106 and the web-server 706 make use the newly installed browser.

The real-time OS 716 may execute or otherwise include one or more of the following: real-time framework 708; a host process that implements the physical interface between the transaction-card CPU and the mobile device 106; an interface that implements the physical interface between the transaction-card CPU and the security module; a memory-management process that implements the ISO 110416 physical interface between the transaction-card CPU and the memory 724 and/or 726; an application-layer process that implements the API and UI capabilities; the Web server 706; antenna-control functions 720; power management; and/or others. In some implementations, the real-time OS 716 may manage the physical interface between the transaction-card CPU and the secure memory 724 that includes memory segmentation to allow certain memory areas to be restricted access and/or data buffers/pipes. In some implementations, the security module can include a security module OS

provided by the security module Vendor and may be compliant with Visa and MasterCard specifications. The security module OS may structure the data in the security module to be compliant with Paypass and/or payWave specifications or any other available contactless retail payment industry specifications. In addition, the security module may store host device signatures and allow modes of the antenna 722 in the secure memory 724. In some implementations, the real-time OS 716 may include a microcontroller OS configured to personalizing the secure memory 724 such as by, for example, converting raw FV data (account number, expiry date, Card Verification Number (CVN), other application specific details) into secure encrypted information. In addition, the microcontroller OS may present the card 104 as a MicroSD mass storage to the host device. The microcontroller OS may partition the memory into a user section and a protected device application section. In this example, the device application section may be used to store provider specific applications that either operate from this segment of the memory or are installed on the host device from this segment of the memory.

The security module chip may provide tamper-resistant hardware security functions for encryption, authentication, management of user credentials using multiple security domains, on-board processing capabilities for personalization, access and storage, and/or others. In some implementations, the security module chip can include the contactless chipset 718.

The contactless chipset 718 may provides the hardware protocol implementation and/or drivers for RF communication. For example, the contactless chipset 718 may include on-board RF circuitry to interface with an external world connection using a wireless/contactless connection. The wireless connection may be, for example, client to node (terminal / reader / base station), node to client (passive tag), or peer to peer (another transaction card 104).

The antenna control function 720 may controls the availability of the RF antenna. For example, the antenna control function 720 may activate/deactivate the antenna 722 in response to, for example, successful authentication, completion of a routine established by the OS 716, and/or other event. The antenna 722 may be a short range wireless antenna connected to an NFC inlay via a software switch such as a NAND Gate or other element.

The wallet management system 728 may selectively switch between the multiple credentials 714 when executing transactions. For example, the wallet management system 728 may identify a default account, switching rules, and/or other information. In some implementations, the wallet management system 728 may automatically switch to default user credentials in response to at least an event such as completion of a transaction using non-default credentials. The switching rules may identifying user credentials and associated events such that the wallet management system 728 switches to user credentials in response to at least determining an event.

FIGURE 8 is a block diagram illustrating an example intelligent card 800 in accordance with some implementations of the present disclosure. For example, the transaction card of FIGURE 1 may be implemented in accordance with the illustrated intelligent card 800. In general, the intelligent card 800 may independently access services and/or transactions. The intelligent card 800 is for illustration purposes only and may include some, all, or different elements without departing from the scope of the disclosure.

As illustrated, the intelligent card 800 includes an antenna 802, a switch plus tuning circuit 804, a security module and contactless chipset 806, a CPU 808 and memory 810. The antenna 802 wirelessly transmits and receives signals such as NFC signals. In some implementations, the switch plus tuning circuit 804 may dynamically adjust the impedance of the antenna 802 to tune the transmit and/or receive frequency. In addition, the switch plus tuning circuit 804 may selectively switch the antenna 802 on and off in response to at least a command from the CPU 808. In some implementations, the antenna 802 can be a short range wireless antenna connected to an NFC inlay via a software switch such as an NAND Gate or other element to allow for code from the CPU 808 to turn the antenna 802 on and off. In some implementations, the card 800 may include an NFC inlay (not illustrated) that can be a passive implementation of NFC short range wireless technology deriving power from the reader terminal in order to transmit data back or a stronger implementation using an eNFC chipset to power active reader mode and self-train mode. In addition, the card 800 may include an external needle point reset (not illustrated) that prompts the CPU 808 to depersonalize the memory or secure element.

The CPU 808 may transmit the switching command in response to an event such as a user request, completion of a transaction, and/or others. When switched on,

the security chip and contactless chipset 806 is connected to the antenna 802 and executes one or more of the following: format signals for wireless communication in accordance with one or more formats; decrypt received messages and encrypt transmitted messages; authenticate user credentials locally stored in the memory 810; and/or other processes. The memory 810 may include a secure and non-secured section. In this implementation, the secure memory 810 may store one or more user credentials that are not accessible by the user. In addition, the memory 810 may store offline Web pages, applications, transaction history, and/or other data. In some implementations, the memory 810 may include Flash memory from 64 MB to 32GB. In addition, the memory 810 may be partitioned into user memory and device application memory. The chipset 806 may include a security module that is, for example Visa and/or MasterCard certified for storing financial vehicle data and/or in accordance with global standards. In addition to a user's financial vehicle, the secure element may store signatures of allowed host devices and/or antenna modes.

In some implementations, the CPU 808 may switch the antenna 802 between active and inactivate mode based, at least in part, on a personalization parameter defined by, for example, a user, distributor (*e.g.*, financial institution, service provider), and/or others. For example, the CPU 808 may activate the antenna 802 when the intelligent card 800 is physically connected to a host device and when a handshake with the host device is successfully executed. In some implementations, the CPU 808 may automatically deactivate the antenna 802 when the intelligent card 800 is removed from the host device. In some implementations, the antenna 802 is always active such that the intelligent card 800 may be used as a stand-alone access device (*e.g.*, device on a keychain). In regards to the handshaking process, the CPU 808 may execute one or more authentication processes prior to activating the intelligent card 800 and/or antenna 802 as illustrated in FIGURE 7. For example, the CPU 808 may execute a physical authentication, a device authentication, and/or a user authentication. For example, the CPU 808 may activate the antenna 802 in response to at least detecting a connection to the physical interface with the host device (*e.g.*, SD interface) and successful installation of the device driver for mass memory access (*e.g.*, SD device driver) on the host device. In some implementations, device authentication may include physical authentication in addition to a signature comparison of a device signature stored in memory (*e.g.*, security module (SE)) that

was created during first-use (provisioning) to a run-time signature calculated using, for example, a unique parameter of the host device. In the event no host device signature exists in the memory, the CPU 808 may bind with the first compatible host device the card 800 is inserted into. A compatible host device may be a device that can successfully accomplish physical authentication successfully. If a host-device signature is present in the memory, the CPU 808 compares the stored signature with the real-time signature of the current host device. If the signatures match, the CPU 808 may proceed to complete the bootstrap operation. If the signatures do not match, host device is rejected, bootstrap is aborted and the card 800 is returned to the mode it was before being inserted into the device.

User authentication may include verification of physical connection with a user using a PIN entered by the user, a x.509 type certificate that is unique to the user and stored on the host device, and/or other processes. Device and user authentication may verify a physical connection with device through comparison of a device signature and user authentication through verification of user PIN or certificate. In some implementations, the user can select a PIN or certificate at provisioning time. If this case, the CPU 808 may instantiate a software plug-in on the host device. For example, a software plug-in may request the user for his PIN in real time, read a user certificate installed on the device (*e.g.*, x.509), and/or others. The operation of the software plug-in may be customized by the provider. Regardless, the returned user data may be compared with user data stored in the memory. In case of a successful match, the antenna 802 may be activated. In case of an unsuccessful match of a certificate, then card 800 is deactivated. In case of unsuccessful PIN match, the user may be requested to repeat PIN attempts until a successful match or the number of attempts exceeds a threshold. The disk provider may customize the attempt threshold.

In regards to network authentication, the host device may be a cellphone such that the card 800 may request network authentication prior to activation. For example, the card 800 may be distributed by a Wireless Network Operator (WNO) that requires a network authentication. In this example, a flag in memory may be set to ON indicating that network authentication is required. If the flag is set to ON, a unique identity about the allowed network is locally stored in memory such a Mobile Network Code for GSM networks, a NID for CDMA networks, a SSID for broadband networks, and/or identifiers. If this flag is ON, the CPU 808 in response to at least insertion may

request a special software plug-in to be downloaded to the host device and instantiated. This software plug-in may query the host device to respond with network details. In some cases, the type of unique network identity employed and the method to deduce it from the host device may be variable and dependent on the network provider and capability of the host device. If the locally-stored ID matches the request ID, the CPU 808 activated the antenna 802 to enable access or otherwise services are denied.

FIGURE 9 illustrates an example transaction system 900 for wirelessly communicating transaction information using one of a plurality of interfaces. For example, the system 900 may interface the transaction card 104 using a wired or wireless interface. In regards to wired interfaces, the system 900 includes an adaptor 904 and a reader 906. The adaptor 904 can include any software, hardware, and/or firmware configured to translated between a format compatible with the card 104 and a format compatible with the client 504c. For example, the adaptor 904 may translate between microSD protocol and a USB protocol. The reader 906 can include any software, hardware, and/or firmware configured to directly interface with the card 104h. For example, the reader 906 may be a microSD reader such that the client 504d interfaces with the card 104h using a microSD protocol. In regards to wireless interfaces, the system 900 may include a cellular interface 902 and a short-range wireless interface 908. In regards to the cellular interface 902, the institutions 106 may wirelessly communicate with the transaction card 104e using the cellular radio technology of the mobile device 106e. For example, the cellular interface 902 may be a CDMA interface, a GSM interface, a UMTS interface, and/or other cellular interfaces. In regards to the short-range wireless interface 908, the institutions 106 may wirelessly communicate with the transaction card 104f using, for example, WiFi technology. The short-range wireless interface 908 may be an 1602.11 interface, a Bluetooth interface, and/or other wireless interface. In these implementations, the client 504e may include a transceiver used for wireless communication with the transaction card 104f.

FIGURE 10 is a schematic diagram 1000 of personalization of a intelligent card (*e.g.*, a transaction card, a memory card). In particular, the intelligent card may be personalized prior to being issued to a user, *i.e.*, pre-issuance, or after being issued to a user, *i.e.*, post-issuance. In regards to pre-issuance, intelligent cards may be personalized in mass batches at, for example, a factory. In this example, each

intelligent card may be loaded with user credentials, security framework, applications, offline Web pages, and/or other data. In some implementations, a intelligent card may be personalized individually at, for example, a bank branch. In this case, a intelligent card may be individually loaded with data associated with a user after, for example, purchasing the disk. As for post issuance, the intelligent card may be personalized wirelessly. For example, the transaction card 104 may be personalized through a cellular connection established using the mobile device 106. In some implementations, an intelligent card may be personalized by synchronizing with a computer such as client 504. The transaction card 104 may receive from an enterprise at least associated with the institution 506 that personalization data prior to activation including user credentials, payment application and at least one of operational flags, rule table or user interface. The personalization data present in the card may be updated after activation using at least one of the following methods: wireless or over the air messages containing special and secure update instructions; internet or client application running on a PC connected to the transaction card 104 via the host device or a card reader; internet application wirelessly connecting to the transaction card 104 via the host mobile device or user interface application of the transaction card 104 itself; and/or other methods.

In some implementations, provisioning of the intelligent card can be based, at least in part, on the distribution entity (*e.g.*, financial institution, wireless operator, user). For example, the intelligent card may be distributed by a financial institution such as a bank. In the bank implementation, the intelligent card can be pre-provisioned with user accounts. In this case, the intelligent card may be activated in response to at least initial insertion into a host device. The antenna mode may be set to physical authentication only by default. In some examples, the user may self-select a PIN authentication to prevent unauthorized use or through a PC cradle and plug-in management software if the host device does not have a screen and keyboard. In the wireless-operator implementation, the intelligent card may require device authentication before activation. In some examples, the user may provision financial data (*e.g.*, credit or debit) using one of several methods. In addition, the user may add user authentication. In the user-provided implementation, the user may acquire the intelligent card from, for example, a retail store or other channels like OEM host

device manufacturers. In this case, the user may activate the card in a plurality of different devices with provider selected provisioning.

In regards to activating for financial transactions, the intelligent card may be configured in memory mode when user acquires the disk from, for example a bank, a wireless operator, a third-party provider, and/or others. Activation of the card may include the following two levels: 1) physically, specifying antenna availability under a specific set of circumstances desired by the provider; and b) logically, at the financial institution signifying activation of the financial vehicle carried on the card. In some implementations, activation may be based, at least in part on device distributor, antenna availability selection, and/or type of host device as illustrated in Table 1 below.

Table 1:

Plug-in Seller and Mode of distribution	**Plug-In Initial State and Antenna Availability Choice**	**Device Has No Screen /Keyboard**	**Device Has Screen & keyboard**
FI: Financial Institution (bank or retailer) ships plug-in directly to the subscriber or through participating resellers/ distributors etc.	Plug-In is in Memory Mode, It is fully personalized with user's account information (FV) and Antenna mode is set to Physical Authentication	Manual: User has to call FI's number to activate his account, the Device can only work with a single account. User can also access FI's site on the internet using another PC to activate his account	If the device is capable of wireless access, upon insertion, the plug-in spawns a web page and takes the user to FI's website. The user self activates his account by entering his account number and matching secret personal information (last 4 digits of SSN or home phone number for example). The user can also optionally select a PIN (change Antenna availability to user authentication) at the same time. If Internet connection is not available, the device can automatically dial a voice

			call to FI's number for account activation. If wireless connection is not available as well (device is only a PDA), the user has to fallback to manual activation (see left)
WNO: Wireless Network Operator Ships plug-in bundled with host device, User can select his preferred host device and plugin is bundled with it if user would like to avail of this service	Plug-In is in Memory Mode, it is partially personalized (device signature of the host device loaded to prevent user from changing host device) while FV information is not loaded. Antenna Availability is set to Device Authentication (plug-in can only used with host device it is shipped with)	Not Applicable	Assumption: Device has a functional wireless connection. Operator offers a bundled wallet management application. When user clicks the wallet management application, the user is invited to sign-up with operator's partner FI for a new account. Once sign-up is successful, account data is downloaded Over the Air or Over the Internet to the plugin and it is activated for use Device can use multiple FIs in this scenario and store multiple FVs. User can select to enter a PIN for an FV in the wallet management application in order to convert Antenna availability to user and device authentication for that FV Plug-in is bound to a device signature. When removed from the device, the Antenna turns off and the plug-in turns into a simple mass memory

			stick. When Plug-in is inserted into another host device, the signature doesn't match and Antenna remains off.
WNO: Wireless Network Operator Ships plug-in as an accessory with an advice for compatible devices, User can select his preferred host device and attempt to operate his plug-in with, to avail of the service	Plug-In is in Memory Mode, it is unpersonalized. Antenna Availability is set to Network authentication is set to On. Plug-In will bind to first device it is inserted in and where network authentication is successful	Not Applicable	Assumption: Device has functional wireless connection. Plug-In will spawn an internet connection to the operator portal and the wallet management application will be downloaded upon user confirmation. User can reject download and choose to manually provision FV data by going to a third party wallet provider or directly to the FI website. Plug-In is bound to the device and to the network provider's network. If the same device is unlocked and used on another network, the plug-in will cease to operate and will revert back to memory mode. When removed from the device, the plug-in will revert to the memory mode.
OEM 1: Cellphone manufacturer	Device Authentication (device comes bundled with a cellphone)	Not Applicable	Option A: Device Manufacturer offers a wallet management application, rest of the process remains as above Option B: Wireless

			Operator offers a wallet management application. User goes to the wireless operator portal and downloads this application Over the Air. The rest of the process then remains the same as above Option C: User navigates to a third party wallet management application (example paypal or Google). Sign up is offered to participating FIs and FVs are personalized on the plug-in Over the Internet Option D: User navigates to FI's website and activates a new account which is personalized over the Internet on the plug-in
OEM 2: Other manufacturer	Device Authentication	User has to cradle the device to the PC with an internet connection and sign-up on the PC by going to an FI's website directly. Account is downloaded over the internet via the cradle and then the device is activated. In this process, the plug-in is bound to the device signature. When removed from the host device, the antenna	If the device has wireless connection (it is a wireless PDA): Same as above If the device has no wireless connection (it is an unconnected PDA): Same as left

		turns off When plugged into another device, the device signature fails and the device behaves like a mass memory device only	

The illustrated chart is for example purposes only. The user may activate an intelligent card using the same, some, or different processes without departing from the scope of this disclosure.

In the illustrated implementations, the transaction card 104 may be upgraded to execute a wallet system using multiple user credentials. For example, the transaction card 104 may upgraded with, for example, the wallet management system 728 through a wireless or wired connection. In addition to upgrading the transaction card 104, additional user credentials may be loaded to the memory. In this case, the transaction card 104 may selectively switch between the different user credentials based, at least in part, on rules, user selections, events, and/or other aspects.

FIGURE 11 is a flow chart illustrating an example method 1100 for automatically bootstrapping an intelligent card in response to at least insertion into a host device. In general, an intelligent card may execute one or more authentication procedures prior to activation. Many of the steps in this flowchart may take place simultaneously and/or in different orders as shown. System 500 or system 600 may use methods with additional steps, fewer steps, and/or different steps, so long as the methods remain appropriate.

Method 1100 begins at step 1102 where a cover attached to a host device is detected. For example, the transaction card 104 may detect insertion into the mobile device 106. If authentication is not required for any aspect of the intelligent card at decisional step 1104, then execution ends. If authentication is required for at least one aspect, then execution proceeds to decisional step 1106. If communication with the host device includes one or more errors, then, at step 1108, a failure is indicated to the user. In the example, the transaction card 104 may present an indication of a communication error to the user using the GUI 111. If a communication error is not detected at decisional step 1106, then execution proceeds to decisional step 1110. In

some implementations, the intelligent card uploads an SD driver to the host device. If the intelligent card only requires physical authentication, then execution proceeds to decisional step 1104. If the network authentication flag is not set to on, then, at step 1114, the antenna is turned on and the intelligent card is updated with host-device signature. As for the example, the transaction card 104 may activate the antenna for wireless transactions and update local memory with the host-device signature. If the network authentication flag is turned on at decisional step 1104, then, at step 1116, the intelligent card transmits a request for the network ID to the host device. Next, at step 1118, the intelligent card retrieves a locally-stored network ID. If the stored network ID and the request network ID match at decisional step 1120, then the disk is activated at step 1122. If the two network ID's do not match, then the antenna is deactivated at step 1114.

Returning to decisional step 1110, if the authentication is not only physical authentication, then execution proceeds to decisional step 1124. If the authentication process includes device authentication, then, at step 1126, the intelligent card transmits a request for a network ID to the host device. At step 1128, the intelligent card retrieves a locally stored device signatures. If the intelligent card does not include at least one device signature, then execution proceeds to decisional step 1134. If the intelligent card includes one or more device signatures, then execution proceeds to decisional step 1132. If one of the device signatures matches the request network ID, then execution proceeds to decisional step 1134. If the signatures and the request network ID do not match, then execution proceeds to step 1122 for deactivation. If user authentication is not included in the authentication process, then execution proceeds to decisional step 1112 for physical authentication. If user authentication is included at decisional step 1134, then execution proceeds to step 1138.

Returning to decisional step 1124, if the authentication process does not include device authentication, then execution proceeds to decisional step 1136. If user authentication is not included in the process, then, at step 1122, the intelligent card is turned off. If user authentication is included, then, at step 1138, the intelligent card request a PIN number from the user using the host device. While the user authentication is described with respect to entering a PIN through the mobile host device, the user may be authenticated using other information such as biometric information (*e.g.*, fingerprint). Again returning to the example, the transaction card

104 may present a request for the user to enter a PIN through the GUI 111. At step 1140, the intelligent card retrieves a locally-stored PIN. If the request PIN and stored PIN match at decisional step 1142, then execution proceeds to decisional step 1104 for physical authentication. If the request PIN and the stored PIN do not match at decisional step 1142, then execution proceeds to decisional step 1144. If the number of attempts have not exceeded a specified threshold, then execution returns to step 1138. If the number of attempts has exceed to the threshold, then the antenna is deactivated at step 1122. In the example, if the event that the transaction card 104 fails to authorize the device, network and/or user, the transaction card 104 may wirelessly transmit an indication to the associated financial institution using the cellular radio technology of the mobile host device 110. In this case, the illustrated method 1100 may be implemented as a fraud control process to substantially prevent unauthorized use of the transaction card 104.

FIGURE 12 is an example call flow 1200 in accordance with some implementations of the present disclosure. As illustrated, the flow 1200 includes a network 1202, a host device 1204, an intelligent card 1206, and a terminal 1208. The host device 1204 is configured to communicate with the network 1202 and includes a slot for insertion of the intelligent card 1206. The intelligent card 1206 is configured to transmit commands to and receive data from a user interface application 1210 executed by the host device 1210 and execute transactions independent of the host device 1210. The card 1206 includes a CPU 1212 for executing transactions and a wireless chipset 1214 for communicating with the terminal 1208. The CPU 1212 executes a host controller/API interface 1216 configured to transmits commands in a form compatible with the host device 1204 and convert data from the host device 1204 to a form compatible with the CPU 1212.

As illustrated, the flow 1200 may include multiple sessions 1220 between the host device 1204 and the card 1206 and between the card 1206 and the terminal 1208. The session 1220a illustrates a session managed by the card 1206 using the network capabilities of the host device 1210. In this example, the card 1206 transmits data for transmission through a cellular network connected to the host device 1204, and after receiving the cellular data, the host device 1204 transmits the data to the network 1202. In response to receiving data from the network 1202, the host device 1204 may automatically transmit the received data to the card 1206. In some implementations,

the card 1206 may transmit a request for a device signature to the host device 1204 as illustrated in session 1220b. For example, the card 1206 may request the device signature during a bootstrapping process. The session 1220c illustrates that a user may submit commands to the card 1206 through the interface of the host device 1204. For example, the user may request that the disk display the user's transaction history through the interface of the host device 1204.

In some implementations, the card 1206 may receive a command to activate or deactivate the antenna through the host device 1204 as illustrated in session 1220d. For example, a financial institution may identify irregular transactions and transmit a command through the network 1202 to deactivate the card 1206. The card 1206 may authorize a user by requesting a PIN using the host device 1204. As illustrated in session 1220e, the user may submit a PIN to the card 1206 using the interface of the host device 1204, and in response to an evaluation of the submitted PIN, the card 1206 may present through the host device 1204 an indication that the user verification is successful or has failed. In some implementations, a user and/or financial institution may request a transaction history of the card 1206 as illustrated in session 1220f. For example, a financial institution may transmit a request for the transaction history through the network 1202 connected to the host device 1204, and in response to at last in the request, the card 1206 may transmit the transaction history to the financial institution using the network 1202 connected to the host device 1204. In some implementations, the user may present offline Web pages stored in the card 1206 as illustrated in session 1220. For example, the card 1206 may receive a request to present an offline Web page from the user using the host device 1204 and present the offline page using the URL in the request. In some implementations, data stored in the memory of the card 1206 may be presented through, for example, the host device 1204 as illustrated in session 1220h. For example, the user may request specific information associated with a transaction on a certain data and the card 1206 may retrieve the data and present the data to the user using the host device 1204. In addition, the user may write data to the memory in the card 1206 as illustrated in session 1220i. For example, the user may update transaction data with an annotation, and in response to at least the request, the card 1206 may indicate whether the update was a success or failure.

In regards to session between the card 1206 and the terminal, the flow 1200 illustrates the personalization session 1220k and the transaction session 1220l. In

regards to personalization, a financial institution may personalize a card 1206 with user credentials, user applications, Web pages, and/or other information as illustrated in session 1220k. For example, the terminal 1208 may transmit a provisioning request to the card 1206 including associated data. The protocol translation 1218 may translate the personalization request to a form compatible with the card 1206. In response to at least the request, the CPU 1212 transmit an indication whether the personalization was a success or not using the protocol translation 1218. Prior to the terminal executing a transaction, the terminal 1208 may submit a transaction challenge to the card 1206 as illustrated in session 1220l. In this case, the card 1206 may identify a device signature of the host device 1204, present associated data to the user through the host device 1204, and transmit the signature to the terminal 1208 using the protocol translation 1218.

FIGURE 13 is a flow chart illustrating an example method 1300 for activating a wireless transaction system including an intelligent card. In general, an intelligent card may execute one or more activation processes in response to, for example, a selection from a user. Many of the steps in this flowchart may take place simultaneously and/or in different orders as shown. System 500 or system 600 may use methods with additional steps, fewer steps, and/or different steps, so long as the methods remain appropriate.

Method 1300 begins at step 1302 where a request to activate a transaction card is received. For example, the user may select a graphical element displayed through the GUI 116 of a mobile host device 106 in FIGURE 1. If an account activation is included at decisional step 1304, then at step 1306, a request to activate the associated financial account is wirelessly transmitted to financial institution using cellular radio technology of the host device. For example, the transaction card 104d of FIGURE 5 may wireless transmit an activation request to the institution 506 using the cellular radio technology of the mobile host device 106d. If an account activation is not included, then execution proceeds to decisional step 1308. If card activation is not included, then execution ends. If card activation is included, then execution proceeds to decisional step 1310. If an activation code is not included, then at step 1312, one or more preprogrammed questions are presented to the user using the GUI of the host device. Returning to the initial example, the transaction card 104 may identify locally stored questions and present the questions to the user using the GUI 116 of the mobile

host device 106. At step 1314, locally-stored answers to the programmed questions are identified. Returning to decisional step 1310, if an activation code is included, then execution proceeds to decisional step 1316. If the activation code is manually entered by the user, then at step 1318, a request for the activation code is presented to the user through the GUI of the mobile host device. In the initial example, the transaction card 104 may present a request for an activation code such as a string of characters to the user through the GUI 116 of the mobile host device 106. If the activation code is not manually entered by the user, then at step 1320, the transaction card wirelessly transmits a request for the activation code using the cellular radio technology of the host device. In the cellular example, the transaction card 104 may transmit a request to the financial institution using the cellular core network 602. In either case, the locally-stored activation code is identified at step 1322. If the locally stored information matches the provided information at decisional step 1324, then at step 1326, the transaction card is activated. For example, the transaction card 104 may activate in response to at least a user entering a matching activation code through the GUI 116. If the provided information does not match the locally stored information, then execution ends.

FIGURE 14 illustrates example secure memory 1400 in accordance with some implementations of the present disclosure. In general, the secure memory 1400 is configured to store user credentials for a plurality of different financial institutions. For example, each credential may be associated with a different user account (e.g., credit card, bank account). In the illustrated implementation, the secure memory 1400 includes user credentials 1402a-c and associated security frameworks 1406a-c separated by logical barriers 1410-c. In addition, the secure memory 1400 includes master credentials 1404 and a master security framework 1408. Each user credentials 1402 may be associated with a different user account and/or institution. For each user credential 1402 is assigned or otherwise associated with a security framework 1406. The security framework 1406 may be a payment application executed by the intelligent card in response to at least a selection of a user account. For example, the security framework 1406 may execute transactions in accordance with a specified format, protocol, encryption, and/or other aspects of an authorization request. In some implementations, the security framework 1406 can substantially prevent unauthorized access to user credentials. For example, each security framework 1406 may contain

multiple keys that provide different levels of access. Each application within the framework 1406 may then be configured to be accessible according to particular security levels. In some implementations, the security frameworks 1406 may include different versions of a payment application for a type of financial instrument (*e.g.*, Visa). In some implementations, the security framework 1406 may be identified using an application ID.

The master credential 1404 and the master security framework 1408 may enable financial institutions to store or update user credentials 1402 and associated security frameworks 1406. For example, creation of a new key within a security framework 1406 may be protected by the master framework's root key. The barriers 1410 may generate security domains between the different selectable user credentials 1402 and associated security framework 1406. For example, a financial institution may access user credentials 1402 and associated security framework 1406 for a managed user account but may be substantially prevented from accessing user credentials 1402 and associated security framework 1406 for different financial institutions.

In some implementations, the intelligent card (*e.g.*, transaction card 104) can dynamically switch between user credentials 1402 and security frameworks 1406 in response to at least an event. For example, the intelligent card may switch to default user credentials 1402 and the corresponding security framework 1406 upon completion of a transaction. In some implementations, the intelligent card may switch user credentials 1402 and security frameworks 1406 in response to a selection from a user through, for example, the GUI 116 of FIGURE 1. The intelligent card may typically switch between different user accounts based, at least in part, on different circumstances. In regards to adding additional user accounts, a user may manually enter user credentials 1402 using the GUI of a host device. In some implementations, the memory 1400 may be updated OTA using the cellular radio technology of the host device.

FIGURE 15 is a flow chart illustrating an example method 1500 for dynamically switching between user accounts. In general, an intelligent card may dynamically switch between a plurality of selectable user credentials and associated security frameworks in response to at least an event. Many of the steps in this flowchart may take place simultaneously and/or in different orders as shown. System

100 may use methods with additional steps, fewer steps, and/or different steps, so long as the methods remain appropriate.

The method 1500 begins at step 1502 where an event is identified. For example, the transaction card 104 of FIGURE 1 may determine that one or more of the following has been updated: network ID, phone number, MAC address, and/or other information. In some implementations, the event may include identifying one or more aspects of a transaction or potential transaction. For example, the transaction card 104 may determine an enterprise, type of enterprise, goods and/or services, types of goods and/or services, and/or other aspects. At step 1504, the currently selected user account is determined. In the example, the transaction card 104 may determine the currently selected user credentials and security framework. If the user accounts are switched at decisional step 1506, then at step 1508, the intelligent card dynamically switches the currently selected user account to a different user account based, at least in part, on the identified event. Again in the example, the transaction card 104 may dynamically switch between the plurality of selectable user accounts based, at least in part, on one or more events. Next, at step 1510, a request to execute is received. As for the example, the transaction card 104 may directly receive a wireless request to execute a transaction with the access point 514. In response to at least the request, a request to execute the transaction is presented to the user at step 1512. In the example, the transaction card 104 may present the request to the user through the GUI 116 of the mobile host device 106. In some implementations, the transaction card 104 may present the currently selected user account to user through the GUI 116. At step 1514, the request transaction is executed using the selected user credentials and corresponding security framework in response to at least a selection from the user. Again in the example, the transaction card 104 may execute the request transaction in response to at least a user selecting a graphical element in the GUI 116 of the mobile host device 106 and wirelessly transmit the authorization request directly o the access point 514. If the selection of account is switched to a default account at decisional step 1516, the intelligent card automatically switches the selected user account to default user credentials and corresponding security framework. If the selection is not switched to a default account, then execution ends.

A number of embodiments of the invention have been described. Nevertheless, it will be understood that various modifications may be made without departing from

the spirit and scope of the invention. Accordingly, other embodiments are within the scope of the following claims.

WHAT IS CLAIMED IS:

1. A cover for a mobile device, comprising:

side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile phone;

a rear surface configured to be adjacent at least a portion of a rear surface of the mobile phone and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile phone;

a physical interface included in at least one of the surfaces that receives a memory device external to the mobile device; and

a circuit that connects the physical interface to the connector.

2. The cover of claim 1, wherein the side surface and the rear surface are formed of flexible material.

3. The cover of claim 1, wherein the physical interface that receives an external memory device comprises a SecureDigital (SD) slot.

4. The cover of claim 3, wherein the SD slot is a microSD slot.

5. The cover of claim 1, further comprising memory inserted into the physical interface, wherein the memory is integrated into the cover.

6. The cover of claim 1, the circuit further comprising a conversion module that converts signals between a form compatible with an external memory device and a form compatible with the mobile device.

7. The cover of claim 6, wherein the conversion module converts between a SD signal and a Universal Serial Bus (USB) signal.

8. The cover of claim 1, the mobile device comprising an iPhone, the connector comprising an iDock connector.

9. The cover of claim 1, wherein the connector includes a first interface that connects to the port of the mobile device and second interface that substantially duplicates an original port of the mobile device.

10. The cover of claim 1, the circuit further comprising a fingerprint scanner that provides a scanned fingerprint to an application that verifies an identity of a user.

11. The cover of claim 1, wherein the circuit is integrated into at one of the surfaces.

12. The cover of claim 1, wherein one or more of the side surfaces are substantially arcuate to substantially maintain a shape and dimensions of the mobile device.

13. The cover of claim 1, further comprising a transaction card comprising:

a physical interface that connects to a port of a mobile host device, wherein the mobile host device includes a Graphical User Interface (GUI);

a communication module that wirelessly receives Radio Frequency (RF) signals from and transmits RF signals to an access terminal;

secure memory that stores a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions;

a user-interface module that presents and receives information through the GUI of the mobile host device; and

a transaction module that dynamically switches between the plurality of selectable user credentials in response to at least an event and wirelessly transmits to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.

14. The cover of claim 13, wherein the physical interface comprises at least one of a SecureDigital (SD) interface, a miniSD interface, a microSD interface, a MMC interface, a miniMMC, a microMMC, a firewire or a apple iDock interface, or a Universal Serial Bus (USB) interface.

15. The cover of claim 13, wherein the communication module executes the transaction independent of the mobile host device.

16. The cover of claim 13, wherein the memory stores a plurality of security frameworks for the plurality of user credentials, the communication module executes the requested transaction using a security framework from the plurality of security frameworks corresponding to the selected user credentials.

17. The cover of claim 13, wherein the one or more events includes a user selecting a graphical element presented through the GUI of the mobile host device.

18. The cover of claim 13, wherein the user-interface module presents information associated with the requested transaction through the GUI of the mobile host device.

19. The cover of claim 18, wherein the presented information based, at least in part, on at least one of real-time content during the transaction, locally-stored offline content, or online content associated with the financial institution.

20. The cover of claim 18, wherein the user-interface module further presents a request for user identification including at least one of a Personal Identification Number (PIN), user ID and password, or biometric signature through the GUI of the mobile host device, the processing module further verifies the submitted user identification with user identification locally stored in the secure memory prior executing the requested transaction.

21. The cover of claim 13, wherein the communication module selectively switches an RF antenna between an activate state and an inactivate state in response to at least an event.

22. The cover of claim 13, wherein the wireless RF signals comprise at least one of contactless signals, proximity signals, Near Field Communication (NFC) signals, Bluetooth signals, Ultra-wideband (UWB) signals, or Radio Frequency Identifier (RFID) signals.

23. The cover of claim 13, wherein the communication module further comprises a protocol translation module that translates signals between wireless protocols compatible with the retail terminal and an internal transaction application.

24. The cover of claim 13, further comprising a cryptographic module that decrypts received signals prior to processing by the transaction module and encrypts at least part of the transaction response prior to wireless transmission.

25. The cover of claim 13, further comprising an authentication module that authenticates at least one of a network of the mobile host device, the mobile host device, or a user.

26. The cover of claim 13, further comprising a bootstrap module that executes one or more authentication processes in response to at least insertion in the port of the mobile host device.

27. The cover of claim 26, wherein the one or more authentication processes authenticates at least one of a network, a mobile host device, or a user.

28. The cover of claim 13, further comprising an activation module that activates access to user credentials from the plurality of selectable user credentials and transmits to an associated financial institution a request to activate an associated user account.

29. The cover of claim 28, wherein access to user credentials from the plurality of selectable user credentials is activated based, at least in part, on a user manually entering an activation code using the GUI of the mobile host device.

30. The cover of claim 13, wherein the user of the mobile host device manages different user accounts associated with the plurality of selectable user credentials using the GUI.

31. The cover of claim 13, the communication module further configured to receive requests to update the plurality of selectable user credentials through a wireless connection with a cellular core network or a wired connection with a broadband network.

32. The cover of claim 31, the communication module further configured to at least add new sets of user credentials or delete existing user credentials based, at least in part, on the update requests.

33. The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the communication module further configured to switch to the default user credentials in response to at least completing the requested transaction using a different one of the plurality of selectable user credentials.

34. The cover of claim 13, wherein the plurality of selectable user credentials include a default user credentials, the security module further configured to switch to a default user credentials in response to at least expiration of a period of time to complete a transaction using non-default user credentials.

35. The cover of claim 13, wherein the plurality of selectable credentials are each loaded into the secure memory from a different institution.

36. The cover of claim 13, wherein the cover substantially maintains attributes of the mobile host device.

37. The cover of claim 36, wherein the attributes include at least one of dimensions, accessibility to peripherals, charging, battery life, signal strength, access to the GUI, connectivity to wireless networks, or interface capability with clients.

38. The cover of claim 36, wherein the substantially maintained attributes do not void certification by regulatory authorities or a warranty of the mobile host device.

39. A system for a mobile device, comprising:

side surfaces configured to be adjacent at least a portion one or more side surfaces of the mobile phone;

a rear surface configured to be adjacent at least a portion of a rear surface of the mobile phone and connected to the side surfaces, the side surfaces and the rear surface form an opening that receives at least a portion of the mobile device, a first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile phone;

a physical interface included in at least one of the surfaces that receives a memory device external to the mobile device;

a circuit that connects the physical interface to the connector;

a means for connecting to a port of a mobile host device, wherein the mobile host device includes a Graphical User Interface (GUI);

a means for wirelessly receiving Radio Frequency (RF) signals from and transmits RF signals to an access terminal;

a means for storing a plurality of selectable user credentials, wherein the user credentials execute transactions with access terminals and each are associated with different institutions;

a means for presenting information through the GUI of the mobile host device; and

a means for dynamically switching between the plurality of selectable user credentials in response to at least an event and wirelessly transmitting to the access terminal a response to a requested transaction including user credentials selected from the plurality of selectable user credentials.

ABSTRACT

The present disclosure is directed to a system and method for updating mobile devices with additional elements. In some implementations, a cover for a mobile device includes side surfaces, a rear surface, a physical interface, and a circuit. The side surfaces and the rear surface are configured to be adjacent at least a portion one or more side surfaces of the mobile phone. The side surfaces and the rear surface form an opening that receives at least a portion of the mobile device. A first portion of at least one of the surfaces includes a connector for connecting to a port of the mobile phone. The physical interface includes in at least one of the surfaces that receives a memory device external to the mobile device. The circuit connects the physical interface to the connector.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,810	09/12/2008	Deepak Jain	24310-0009001	5255

26231 7590 12/06/2010
FISH & RICHARDSON P.C. (DA)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
URBAN, EDWARD F	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
12/06/2010	ELECTRONIC

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

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

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

PATDOCTC@fr.com

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

In re Application of
JAIN, DEEPAK, et al.
Application No. 12/209,810
Filed: September 12, 2008
Attorney Docket No. **24310-0009001**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT 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) pilot program and the petition under 37 CFR 1.102(a), filed October 18, 2010.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, or validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims; or a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application

(i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or

(ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or

(iii) contains no priority claim,

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

Telephone inquiries concerning this decision should be directed to Ken 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.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

PATENT

First Named Inventor: Luis Irun-Briz
Application No.: 12/209,821
Filed: September 12, 2008
Customer No.: 45809

Attorney Docket No.: 324553.01PPH
Group Art Unit: 2165
Examiner: ABEL JALIL, NEVEEN
Confirmation Number: 5278

Title: DATA SCHEMA TRANSFORMATION USING DECLARATIVE TRANSFORMATIONS

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Statement on Request to Participate in the
PCT-Patent Prosecution Highway Pilot Program

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 28, 2010

By:/James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 28, 2010
Date

/Eric Matt/
Eric Matt

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/209,821	09/12/2008	Luis Irun-Briz	324553.01PPH/MFCP.142325	5278

45809 7590 09/30/2010

SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER	
ABEL JALIL, NEVEEN	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/30/2010	PAPER

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

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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY MO 64108-2613

In re Application of: IRUN-BRIZ et al.
Application No. 12/209,821
Atty Docket: 324553.01PPH/MFCP.142325
Filed: September 12, 2008
For: DATA SCHEMA TRANSFORMATION USING DECLARATIVE TRANSFORMATIONS

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 July 6, 2010 to make the above- identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which 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.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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OFFICE OF PETITIONS

In re Application of :
Georges et al. :
Application No. 12/209,839 :
Filed: September 12, 2008 :
Attorney Docket No. 0112418.00178US2 /AUR-037 :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed December 13, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

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

A review of USPTO records reveals that the "Power of Attorney" submissions filed November 25, 2008 were erroneously accepted. The requests by the assignee, did not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

Currently, there is no assignment of record in the above-identified application and therefore, the Statement under 37 CFR § 3.73(b) submitted November 25, 2008 is improper. Accordingly, there is no Power of Attorney in the above-identified application.

Petitioner is designated only as the Correspondence Address according to the Application Data Sheet filed September 12, 2008. 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 December 28, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Rusta-Sallehy, et al. : DECISION ON PETITION
Application No. 12/209,854 :
Filed: 12 September, 2008 :
Attorney Docket No. 9351-959 :

This is a decision on petition filed on 14 July, 2010, pursuant to 37 C.F.R. §1.47.

NOTE:

Petitioner appears to have placed much of the showing in the statement of one who, upon review of Office records does not appear to be registered to practice before the Office, and therefore is not presumed to be aware of the requirements of the Rules of Practice (*See, generally:* 37 C.F.R. §1.47 and MPEP §409.03, and §409.03(a)).

It is Petitioner who has duties pursuant to the regulations at, *inter alia*, 37 C.F.R. §10.18, which duties may not be evaded by placing the responsibility for showings in the words of others.

Alternatively, Petitioner may have intended to demonstrate the prior grant of status—however, rather than so demonstrating, Petitioner simply dumps papers into the record and requires the Office to fathom Petitioner's intentions. This the Office will not do. Petitioner must be express in his intentions.

Petitioner will find it of benefit to review and then work through the requirements of the petition in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition 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.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor to ensure transmittal to the non-signing inventors a copy of the entire application (description, claims, abstract, drawings) with a copy of the transmittal letter) to the non-signing inventor(s).)

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 12 September, 2008, without, *inter alia*, a fully executed oath/declaration

On 29 September, 2008, the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration).

On 1 December, 2008, Petitioner H. Sam Frost (Reg. No. 31,696) submitted, *inter alia*, an oath/declaration executed by co-inventors Vale, Frank and Joos for themselves and on behalf of non-signing inventor Ali Rusta-Sallehy (Mr. Sallehey); also included was a copy of a decision granting Rule 47 Status in Application 10/945,492. Notably Petitioner made no averments. There was no petition or other instruction or request from Petitioner, however, the Office of Patent Application Processing (OPAP) does not appear to have mailed a Notice of Incomplete Reply.

On 14 January, 2010, the Examiner mailed an Office action and, *inter alia*, objected to the incomplete oath/declaration.

On 14 July, 2010, Petitioner submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with only a partial statement but no current statement of the address of the non-signing inventor, and with: an oath/declaration executed by co-inventors Vale, Frank and Joos for themselves and on behalf of non-signing inventor Ali Rusta-Sallehy (Mr. Sallehey). And among the other papers was one identified as by Ulf A. Wittblad (Mr. Wittblad) and dated 26 May, 2005, which set forth some facts, however, some elements of the statement Mr. Wittblad appears to attribute to as acquired from another resource (the Assignee) and there is absolutely no documentary showing whatsoever of transmission of transmittal of the entire application to the nonsigning inventor. If it was Petitioner's intention to demonstrate the prior grant of Rule 47 Status in a parent, Petitioner must properly set forth that information and so seek relief; if it is Petitioner's intention to make a contemporary showing of satisfaction of compliance with the regulations, then Petitioner must properly set forth the required information and so seek relief. Petitioner does not get to throw papers into the record and require the Office to fathom Petitioner's intentions.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a)—*see*: also the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.— (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

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

[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.

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

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

---

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

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERESKIN AND PARR LLP
/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Rusta-Sallehy, et al.
Application No. 12/209,854
Filed: 12 September, 2008
Attorney Docket No. 9351-959

DECISION ON PETITION

This is a decision on petition filed on 25 October, 2010, pursuant to 37 C.F.R. §1.4.7

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 12 September, 2008, without, *inter alia*, a fully executed oath/declaration

On 29 September, 2008, the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration).

On 1 December, 2008, Petitioner H. Sam Frost (Reg. No. 31,696) submitted, *inter alia*, an oath/declaration executed by co-inventors Vale, Frank and Joos for themselves and on behalf of non-signing inventor Ali Rusta-Sallehy (Mr. Sallehey); also included was a copy of a decision granting Rule 47 Status in Application 10/945,492. Notably Petitioner made no averments. There was no petition or other instruction or request from Petitioner, however, the Office of Patent Application Processing (OPAP) does not appear to have mailed a Notice of Incomplete Reply.

On 14 January, 2010, the Examiner mailed an Office action and, *inter alia*, objected to the incomplete oath/declaration.

On 14 July, 2010, Petitioner submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with only a partial statement but no current statement of the address of the non-signing inventor, and with: an oath/declaration executed by co-inventors Vale, Frank and Joos for themselves and on behalf of non-signing inventor Ali Rusta-Sallehy (Mr. Sallehey). And among the other papers was one identified as by Ulf A. Wittblad (Mr. Wittblad) and dated 26 May, 2005, which set forth some facts, however, some elements of the statement Mr. Wittblad appears to attribute to as acquired from another resource (the Assignee) and there is absolutely no documentary showing whatsoever of transmission of transmittal of the entire application to the nonsigning inventor. If it was Petitioner's intention to demonstrate the prior grant of Rule 47 Status in a parent, Petitioner must properly set forth that information and so seek relief; if it is Petitioner's intention to make a contemporary showing of satisfaction of compliance with the regulations, then Petitioner must properly set forth the required information and so seek relief. Petitioner does not get to throw papers into the record and require the Office to fathom Petitioner's intentions. The petition was dismissed on 21 September, 2010.

On 25 October, 2010, Petitioner submitted a copy of the oath/declaration from prior application 10/945,492, of which the above-identified application is a Continuation application. Applicant included also a copy of the petition and the decision granting a petition according status under 37 C.F.R. §1.47 in the prior application.

As provided in the regulations at 37 C.F.R. §1.63(d):

> (1) A newly executed oath or declaration is not required under §1.51(b)(2) and §1.53(f) in a continuation or divisional application, provided that:
>
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
>
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

(2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under §1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord §1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c); and

(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. §1.63(d).

This application is hereby **ACCORDED Status pursuant to Rule §1.47(a)**.

The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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

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

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

[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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Kazuhiro KOTAKA et al :
Application No. 12/209,857 : DECISION ON PETITION
Filed: September 12, 2008 :
Attorney Docket No. R2180.0398/P398 :

This is a decision on the petition under 37 CFR 1.59(b), filed November 22, 2010, to expunge information from the above identified application.

The petition is **DISMISSED**.

Any reply must be submitted within TWO MONTHS from the mail date of this decision. Extensions of time under 37 CFR § 1.136(a) are permitted. This is not a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner requests that a document entitled Amendment in Response to Non-Final Office Action, filed November 18, 2010, be expunged from the record.

The petition is deficient because the petition does not contain a clear statement that the information requested to be expunged was unintentionally submitted and 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. The petition also does not contain a commitment on the part of petitioner to retain the information to be expunged for the period of any patent with regard to which such information is submitted. Finally, the petition does not contain a statement that the petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

The application is forwarded to Technology Center 1700, Art Unit 1743, for continued prosecution.

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.**

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : 8049563 B2
Application No.: 12/209944
Inventor(s) : Ichiro Aoki, et al.
Issued : November 1, 2011
Attorney Docket No.: 09AXI0002AC.55(013641.109)

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 address 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.

A certificate of correction will be issued for the remaining errors noted in the request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) **756-1593** or (703) 756-1814
Date: 11/23/2011

Address: Christopher J. Rourk
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202

ts/

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.
12/209,990	09/12/2008	Denis Ding	0RZA-136257	5632

30764 7590 04/11/2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

EXAMINER	
WILLIAMS, STEPHANIE ELAINE	
ART UNIT	**PAPER NUMBER**
3754	

MAIL DATE	DELIVERY MODE
04/11/2011	PAPER

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

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

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

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12209990	9/12/2008	DING, DENIS	0RZA-136257

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

EXAMINER	
STEPHANIE E. WILLIAMS	
ART UNIT	**PAPER**
3754	20110331

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 12/19/2008, 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 a co-inventor and has consent by the CFO- Rick Wheeler of the Clean Energy Fuels Corp.; and co-inventor- Denis Ding to add the co-inventor by the name of Mitchell Pratt.

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.

/Henry Yuen/
Supervisory Patent Examiner, TC 3700

/S. E. W./
Examiner, Art Unit 3754

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.
12/210,093	09/12/2008	Yasuhiko Yamaguchi	056232.00189	5840

44955 7590 08/23/2011

SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

EXAMINER	
EBRAHIMI DEHKORDY, SAEID	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
08/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SQUIRE, SANDERS & DEMPSEY (US)
LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

In re Application of	
YAMAGUCHI et al.	
Application No.: 12/210,093	**: DECISION ON REQUEST TO**
Filed: 12 September 2008	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 056232.00189	**: PROSECUTION HIGHWAY**
For: CONTROLLING PROGRAM AND	**: PROGRAM AND PETITION**
IMAGE FORMING APPARATUS	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Yoshiro NIITSU et al :
Application No. 12/210,098 : ON PETITION
Filed: September 12, 2008 :
Attorney Docket No. KUZU1.088AUS :

This is a decision on the petition, filed on May 4, 2011, "Petition Under 37 CFR § 1.183 Requesting Waiver of the Requirement of 37 CFR §§ 1.48(a)(3), 1.63 and 1.64(a). This is also a decision on the petition filed May 4, 2011, "Petition to Change the Order of Inventors Under 37 CFR § 1.182". The processing fees of $800.00 under 37 CFR § 1.17(f) have been received.

The petition under 37 CFR § 1.183 is **GRANTED**.

The petition under 37 CFR § 1.182 is **GRANTED**.

Petitioner indicates that during a review of the inventorship of the abovementioned application, that it was discovered that without any deceptive intent on behalf of any party, the listed inventorship was incorrect. Petitioner indicates that Yoshiro Niitsu was also an inventor of the subject matter claimed and submits the consent of the assignee to the addition of Yoshiro Niitsu. All signatures for a subsequent declaration have been obtained, except for inventor Gang Zhao. Petitioner identifies the last known address of Gang Zhao, an inventor, whose signature is requires on the declaration, and submits statements of facts regarding the unsuccessful attempts to reach Gang Zhao. Petitioner now submits a petition under 37 CFR 1.183 requesting a waiver of the requirements of 37 CFR §1.48(a)(3), 1.63 and 1.64.

37 CFR § 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. Here, presentation of a request to add an inventor requires a substitute specification. The declarations of Kimberly J. Miller, Terry Bryant along with the

submitted exhibits are sufficient to establish due diligence for granting of the petition. The rule will be waived to comply with the requirement, since there is no other way to present the required substitute specification. The request under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(3), 1.63 and 1.64 is granted. The substitute declaration filed May 4, 2011 is accepted and will be entered.

Petitioner, under 37 CFR 1.182, also request that the order of inventors be changed. The petition under 37 CFR 1.182 is granted.

The order of the names of the inventors will be changed as follows:

1. YOSHIRO NIITSU
2. LEI YU
3. JIAN LIU
4. GANG ZHAO
5. NIANCHUN MA
6. SANG VAN

The application file is being forwarded to the Office of Data Management for further action as appropriate.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: 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
12/210,098	09/12/2008	1635	1510	KUZU1.008AUS	27	1

CONFIRMATION NO. 5851

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 05/24/2011

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)

Yoshiro Niitsu, Hokkaido, JAPAN;
Lei Yu, Carlsbad, CA;
Jian Liu, San Diego, CA;
Gang Zhao, Vista, CA;
Nianchun Ma, Oceanside, CA;
Sang Van, San Diego, CA;

Assignment For Published Patent Application

Nitto Denko Corporation, Osaka, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/972,732 09/14/2007
and claims benefit of 61/016,431 12/21/2007
and claims benefit of 61/084,935 07/30/2008

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: 10/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/210,098**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DRUG CARRIERS

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.

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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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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Lei Yu et al. :
Application No. 12/210,125 : PETITION DECISION
Filed: September 12, 2008 :
Attorney Docket No. KUZU1.009AUS :

This is a decision on the petitions under 37 CFR 1.48(a), 37 CFR 1.183 and 37 CFR 1.182, filed August 4, 2011, which are being treated as a petition under 37 CFR 1.48(a) to correct inventorship, 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 and 37 CFR 1.182 to change the order of inventors.

The petitions are **dismissed**.

As to the petition under 37 CFR 1.48(a):

§ 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) Nonprovisional application after oath /declaration filed. 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).

This petition is lacking items (3). Petitioner requests that the inventorship of the instant application be corrected by adding Yoshiro Niitsu as a co-inventor. An originally named inventor, Gang Zhao, who signed the originally filed declaration, allegedly cannot be located to sign the replacement declaration listing all the co-inventors including Niitsu. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver or the requirements of 37 CFR 1.64 that each of the actual inventors execute the supplemental oath or declaration.

As to the petition under 37 CFR 1.183:

MPEP 603 states in part:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

The petition alleges that efforts to reach the non-signing inventor, Zhao, have been unsuccessful. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 and must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)).

The applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventor, such that the declaration can be accepted. Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Zhao. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s), such as the Internet. The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). What does inspection of the phone directories for those address locations reveal? If all attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all

possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the declaration, that reason should be stated in the affidavit or declaration.

As to the petition under 37 CFR 1.182:

As the petition to correct inventorship under 37 CFR 1.48(a) is currently dismissed, the petition to change the order of inventors which would include Niitsu cannot be granted at this time and is held in abeyance.

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

By mail: Mail Stop Petition
Director 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

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of:
Yoshiro Niitsu al.
Application No. 12/210,125
Filed: September 12, 2008
Attorney Docket No. KUZU1.009AUS

PETITION DECISION

This is a decision on the renewed petition filed December 7, 2011, which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 that each of the actual inventors execute the oath or declaration in the application and a decision on the petition under 37 CFR 1.48(a). This is also a decision on the petition under 37 CFR 1.182 to change the order of inventors.

The petition under 37 CFR 1.183 is **Granted**.

The petition under 37 CFR 1.48(a) is **Granted**.

The petition under 37 CFR 1.182 is **Granted**.

As to the petition under 37 CFR 1.183:

Petitioner states that one of the originally listed inventors, Gang Zhao, cannot be located to sign a required supplemental declaration.

MPEP 603. states in part:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

The petition adequately shows Gang Zhao cannot be located to execute the required supplemental declaration.

For this reason, the petition under 37 CFR 1.183 is granted.

As to the petition under 37 CFR 1.48(a):

In view of the grant of the petition under 37 CFR 1.183, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, failed to properly set forth the inventorship, and accordingly, the inventorship has been corrected in compliance with 37 CFR 1.48(a).

The inventorship has been changed by the addition of Yoshiro Niitsu.

As to the petition under 37 CFR 1.182:

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

Office PALM records have been corrected to reflect the correct inventorship of the application.

The application is being forwarded to Technology Center Art Unit 1633.

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

Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 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
12/210,125	09/12/2008	1633	1562	KUZU1.009AUS	27	1

CONFIRMATION NO. 5903

CORRECTED FILING RECEIPT

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 12/14/2011

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)

Yoshiro Niitsu, Sapporo-shi, JAPAN;
Lei Yu, Carlsbad, CA;
Gang Zhao, Vista, CA;
Sang Van, San Diego, CA;
Fu Chen, Carlsbad, CA;

Assignment For Published Patent Application

Nitto Denko Corporation, Osaka, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/084,939 07/30/2008
and claims benefit of 61/084,947 07/30/2008
and claims benefit of 61/084,977 07/30/2008
and claims benefit of 61/084,968 07/30/2008
and claims benefit of 61/084,955 07/30/2008
and claims benefit of 61/084,964 07/30/2008

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: 09/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/210,125**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DRUG CARRIERS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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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

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

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

NOT GRANTED

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

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CHICAGO IL 60601-6731

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Guo-Liang Yu et al. :DECISION ON PETITIONS
Application No. 12/210,134 : UNDER 37 CFR 1.78(a)(3)
Filed: September 12, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 703579 :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) filed December 8, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed Application Data Sheet (ADS).

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

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

Along with the instant petition under 37 CFR §§ 1.78(a)(3) and 1.76(a)(6), petitioner has submitted an ADS to correct the reference to prior-filed applications.

However, Office records reflect that while a reference to the prior-filed applications was not accurately included in the first sentence of the specification following the title, the claim(s) of priority was nevertheless reflected in the ADS on filing, as shown by their inclusion on the filing receipt.

Accordingly, the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) is **DISMISSED AS MOOT**. In vew of the above, the $1410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed the Technology Center.

Christopher Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

TUE NGUYEN
496 OLIVE AVE
FREMONT CA 94539

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Eric Quere : DECISION ON
Application No. 12/210,169 : PETITION
Filed: September 12, 2008 :
Attorney Docket No. ESQ001 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY MAILED OR FILED," filed December 7, 2010.

The above-identified application became abandoned for failure to file a reply to the Office action mailed April 30, 2009. The Office action set a three-month period for reply with extensions of time obtainable under 37 CFR 1.136(a). No further reply considered received and no further extension of time considered filed, the above-identified application became abandoned effective July 31, 2009. A courtesy Notice of Abandonment was mailed on June 29, 2010.

A review of image file wrapper for this application reveals that the response is present in the application with a filing date of July 30, 2009, as petitioner maintains it was filed. No Notice of Noncompliant Amendment is present in this application with respect to the amendment filed July 30, 2009. Accordingly, the response is considered timely filed.

In view thereof, the notice of abandonment mailed June 29, 2010 and the holding of abandonment are hereby **WITHDRAWN**.

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

No fee is required on petition under § 1.181.

Technology Center AU 2834 has been advised of this decision. The application is, thereby, forwarded for consideration of the response filed July 30, 2009.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

PATENT
Attorney Docket No.: 026335-001510US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Attorney Docket No.: 026335-001510US
Howard W. H. Lee, et al.	Confirmation No. 6005
Application No.: 12/210,173	Examiner:
Filed: September 12, 2008	Technology Center/Art Unit:
For: METHOD AND MATERIAL FOR PROCESSING IRON DISILICIDE FOR PHOTOVOLTAIC APPLICATION	Petition for Reconsideration of A Petition for Green Tech Pilot Filed on July 2, 2010
Customer No.: 20350	Date: August 14, 2010

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

Dear Sir:

This is in response to Decision on Petition to Make Special Under The Green Technology Pilot Program mailed on July 15, 2010. In particular, Examiner dismissed the Petition based upon a preliminary conclusion that the applicant's statement included in the Petition filed on July 2, 2010 is insufficient to render claimed subject matter in re Application No. 12/210,173 eligible for the Green Technologies Pilot Program, particularly lacking item 4 of the qualification requirements.

Applicants, however, assert that the subject claimed invention used Iron Disilicide $FeSi_2$ as an example to describe a unique method for making thin films from a starting material in a power form with reasonable size grains. Additionally, the method as claimed provides an improved technique for fabricating thin film solar devices in an area that is about ten times bigger than conventional silicon wafer based solar cells. This method can be applied to make thin-film-based

(including $FeSi_2$ itself) photovoltaic devices with substantially improved performance by forming large grain size, high carrier mobility, high crystallinity, higher conductivity, less stress, large form factor, low cost, etc. Applicants believe that the claimed invention provides specific improvement in thin-film manufacture technique materially contributing to the development of efficient solar energy utilization.

Applicants hereby request the Examiner to take reconsideration of the above decision for the Petition.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-291-0099.

Respectfully submitted,

/Fang Wu/

Fang Wu
Reg. No. 62,058

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.
12/210,173	09/12/2008	HOWARAD W.H. LEE	026335-001510US	6005

20350 7590 09/03/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
NIKMANESH, SEAHVOSH J	
ART UNIT	**PAPER NUMBER**
2812	

MAIL DATE	DELIVERY MODE
09/03/2010	PAPER

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

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

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 12/210,173	:	TO MAKE SPECIAL UNDER
Filed: 12 September 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-001510US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 02 July 2010 and renewed on 12 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DENIED**.

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 4.

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 renewed petition includes a statement identifying the basis for the special status as the discovery or development of renewable energy resources and specifically the fabrication of solar devices. As set forth in the pilot agreement and the dismissal, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable energy resources. The intended use statement of "for photovoltaic devices" is insufficient to render claimed subject matter eligible for the Green Technology Pilot Program. As set forth in the instant specification, "it should be recognized that embodiments according to the present invention have a much broader range of applicability." The claimed intended use of "for photovoltaic devices" is considered speculation as to how a hypothetical end-user might specially apply the invention especially with the admission that the invention has a much broader range of applicability.

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 2812 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474 M/S 3999
DALLAS TX 75265

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Toga, et al. :
Application No. 12/210,187 : ON PETITION
Filed: September 13, 2008 :
Attorney Docket No. TI-66189 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed August 3, 2011, which is being treated as a petition to revive under 37 CFR 1.137(b), due to the fact that petitioner paid the fee for a petition under § 1.137(b), and did not provide a showing of unavoidable delay.

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 November 1, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on February 2, 2011. The Office mailed a Notice of Abandonment on May 12, 2011.

With the instant petition, applicants paid the petition fee and filed an Amendment.

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 Group Art Unit 2856 for consideration of the Amendment, filed August 3, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine CA 92614

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
Cook et al. :
Application No. 12/210,200 : DECISION ON PETITIONS
Filed: September 14, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. QPC.000GEN :

This is a decision on the petition filed June 9, 2011, which will be treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **DISMISSED.**

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

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

The petition does not comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of

the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

In addition, 37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Before the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed nonprovisional application to this application, are required.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Cook et al. :
Application No. 12/210,200 : DECISION ON PETITIONS
Filed: September 14, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. QPC.000GEN :

This is a decision on the petition filed July 20, 2011, which will be treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2836 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Shirene Willis Brantley
Senior Petitions Attorney
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
12/210,200	09/14/2008	2836	1201	QPC.000GEN	25	4

CONFIRMATION NO. 6106

CORRECTED FILING RECEIPT

14870
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

Date Mailed: 08/03/2011

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)

Nigel P. Cook, El Cajon, CA;
Stephen Dominiak, Bern, SWITZERLAND;
Lukas Sieber, Fribourg, SWITZERLAND;
Hanspeter Widmer, Wohlenschwill, SWITZERLAND;

Assignment For Published Patent Application

NIGELPOWER, LLC, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 14870

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/972,181 09/13/2007
and is a CIP of 12/018,069 01/22/2008
which claims benefit of 60/904,628 03/02/2007

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

If Required, Foreign Filing License Granted: 09/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/210,200**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Maximizing Power Yield from Wireless Power Magnetic Resonators

Preliminary Class

307

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 (08-10)
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:	12/210,246	Filing date:	09/15/2008
First Named Inventor:	Thurai Manik Vasagar		
Title of the Invention:	Intershaft Seal Assembly		

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/US2009/052328

The international date of the corresponding PCT application(s) is/are: 07/31/2009

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.:	12/210,246
First Named Inventor:	Thurai Manik Vasagar

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 03/04/2010

(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 03/04/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-31	1-31	Claims are identical between 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	08/24/2010
Name (Print/Typed)	Michael G. Crilly, Esquire	Registration Number	44631

CLAIMS

PCT APPLICATION NO. PCT/US2009/052328

Claims indicated as having novelty, inventive step, and industrial applicability

1. A seal assembly for use between an inner shaft and an outer shaft rotatable about a common axis within a turbine engine comprising:

(a) a pair of end rings, at least one said end ring having a flange disposed along and extending from one side of said end ring, said flange having an upper surface and a lower surface; and

(b) a seal element comprised of a ring and a ring flange, said ring wider than said ring flange, said ring having an inner radial surface and an outer radial surface, said ring flange disposed along and extending from said outer radial surface, said outer radial surface contacting said lower surface along at least one said flange, said seal element disposed between said end rings so that a portion of said ring flange extends beyond said flange.

2. The seal assembly of claim 1, wherein said seal element has an inverted and substantially T-shaped cross section.

3. The seal assembly of claim 1, wherein said seal element has a substantially L-shaped cross section.

4. The seal assembly of claim 1, wherein at least one end ring has a substantially L-shaped cross section.

5. The seal assembly of claim 1, wherein a gap is disposed between said lower surface of one said end ring and said outer radial surface of said seal element.

6. The seal assembly of claim 1, wherein said ring flange does not contact said outer shaft.

7. The seal assembly of claim 1, wherein said ring flange has a contoured surface adjacent to said outer shaft.

8. The seal assembly of claim 1, wherein said seal element and at least one said end ring do not experience relative movement.

9. The seal assembly of claim 1, further comprising:

(c) a gap bounded by said end rings, said seal element, and said inner shaft.

10. The seal assembly of claim 9, further comprising:

(d) a spacer ring disposed between said gap and said inner shaft.

11. The seal assembly of claim 10, wherein said spacer ring is secured mechanically to at least one said end ring.

12. The seal assembly of claim 10, further comprising:

(e) a locking nut contacting one said end ring to secure said seal assembly to said inner shaft.

13. The seal assembly of claim 12, wherein said seal element is movable between said end rings.

14. The seal assembly of claim 1, further comprising:

(c) a locking nut contacting one said end ring to secure said seal assembly to said inner shaft.

15. The seal assembly of claim 1, wherein said seal element is composed of a temperature resistant metal, a temperature resistant metal alloy, or carbon graphite.

16. The seal assembly of claim 1, wherein said seal element has at least one joint traversing its cross section.

17. The seal assembly of claim 1, wherein one said end ring is an integral part of said inner shaft.

18. The seal assembly of claim 1, further comprising:

(c) a spring disposed within a groove along said seal element, said spring imparting an outward radial force onto said seal element.

19. A seal assembly disposed within a turbine engine comprising:

(a) an inner shaft;

(b) an outer shaft, said inner shaft and said outer shaft rotatable about a common axis; and

(c) at least one seal unit disposed between said inner shaft and said outer shaft, each said seal unit including:

(i) a pair of end rings disposed along and contacting said inner shaft, at least one said end ring having a flange disposed along and extending from one side of said end ring, said flange having an upper surface and a lower surface; and

(ii) a seal element comprised of a ring and a ring flange, said ring wider

than said ring flange, said ring having an inner radial surface and an outer radial surface, said ring flange disposed along and extending from said outer radial surface, said outer radial surface contacting said lower surface along at least one said flange, said seal element disposed between said end rings so that a portion of said ring flange extends beyond said flange without contacting said outer shaft.

20. The seal assembly of claim 19, wherein said ring flange has a contoured surface adjacent to said outer shaft.

21. The seal assembly of claim 19, wherein said at least one seal unit further comprises:

(iii) a spacer ring disposed between said end rings and contacting said inner shaft; and

(iv) a gap disposed between said seal element and said spacer ring.

22. The seal assembly of claim 21, wherein said spacer ring is mechanically secured to at least one said end ring.

23. The seal assembly of claim 21, further comprising:

(d) a locking nut contacting one said end ring to secure said at least one seal unit to said inner shaft.

24. The seal assembly of claim 21, wherein said seal element is movable between said end rings.

25. The seal assembly of claim 19, further comprising:

(d) a locking nut contacting one said end ring to secure said at least one seal unit to said inner shaft.

26. The seal assembly of claim 19, wherein said seal element is composed of a temperature resistant metal, a temperature resistant metal alloy, or carbon graphite.

27. The seal assembly of claim 19, wherein said seal element has at least one joint traversing its cross section.

28. The seal assembly of claim 19, wherein one said end ring is an integral part of said inner shaft.

29. The seal assembly of claim 19, wherein said at least one seal unit further comprises:

(iii) a spring disposed within a groove along said seal element, said spring imparting an outward radial force onto said seal element.

30. The seal assembly of claim 19, wherein two mutually contacting said end rings between two said seal units are comprised of a single ring-shaped structure.

31. The seal assembly of claim 19, wherein each said seal unit, said inner shaft, and said outer shaft have substantially similar thermal expansion properties to avoid contact between each said seal element and said outer shaft.

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OCT 0 7 2010

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Law Offices of Michael Crilly
104 South York Road
Hatboro PA 19040

In re application of
Thurai Manik Vasagar
Application No. 12/210246
Filed: September 15, 2008
For: INTERSHAFT SEAL ASSEMBLY

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of August 24, 2010, 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: 10/05/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,267	09/15/2008	Chun-Wei WANG	97-498-00033.IUS	6275

21254 7590 05/04/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
CHAPEL, DEREK S	
ART UNIT	**PAPER NUMBER**
2872	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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

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

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

Applicant: Wang et al.
Appl. No.: 12/210,267
Filing Date: September 15, 2008
Title: DIFFUSION PLATE WITH HIGH DIFFUSION QUALITY
Attorney Docket No.: 97-498-00033.IUS
Pub. No.: US 2009/0225429 A1
Pub. Date: September 10, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 22, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

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

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 05/06/2011 KKING1
04/25/2011 INTEFSW 00003388 500481 12210267
01 FC:1504 300.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,278	09/15/2008	Yoshiyuki MORIYA	4243-0142PUS1	6304

2292 7590 04/01/2011

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

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/01/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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

In re Application of MORIYA, YOSHIYUKI Application No. 12/210,278 Filed: September 15, 2008 Attorney Docket No. **4243-0142PUS1**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 1, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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 Ken 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.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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	12210296
Filing Date	15-Sep-2008
First Named Inventor	Soichiro MASE
Art Unit	2852
Examiner Name	RODNEY BONNETTE
Attorney Docket Number	006777.00229
Title	DEVELOPER CARTRIDGE, DEVELOPING DEVICE, AND PROCESS 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	/Gary D. Fedorochko/
Name	Gary D. Fedorochko
Registration Number	35509

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www.uspto.gov

Decision Date : February 8, 2012

In re Application of :

Soichiro MASE

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12210296

Filed : 15-Sep-2008

Attorney Docket No : 006777.00229

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 8, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/01/12

TO SPE OF : ART UNIT: 2166 Attn: ALAM HOSAIN T (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/210310 Patent No.: 8112413

CofC mailroom date: 02/22/2012

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 Related U.S. Application Data Should this Data be inserted 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.

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

Comments: _____

_____

_____

/Hosain T Alam/ 2166
SPE **Art Unit**

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ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. WISCONSIN AVENUE
MILWAUKEE WI 53208

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of :
MAYWORM, Gary :
Application No. 12/210,357 : DECISION ON PETITION
Filed: September 15, 2008 : TO WITHDRAW
Attorney Docket No. **MAYWORM-CIP-0908** : 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 08, 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 Jill Gilbert Welytok on behalf of all attorneys of record who are associated with customer No. 57520. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 31, 2010 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GARY MAYWORM**
W204 N11509 GOLDENDALE ROAD
GERMANTOWN, WI 53022

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,365	09/15/2008	Melanie REICH	029310.60695US	6449

23911 7590 04/16/2012

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER	
MCDOWELL, BRIAN E	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
04/16/2012	ELECTRONIC

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

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

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

edocket@crowell.com
tche@crowell.com
maellyn1@aol.com

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J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

APR 13 2012

In re Application of	:
Reich et al	:
Serial No.: 12/210,365	:Decision on Petition
Filed : 15 September 2008	:
Attorney Docket No.: 106930.60695US	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 28 February 2012 requesting reconsideration of the restriction requirement mailed 15 May 2009. No fee is required for this type of petition.

BACKGROUND

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

On 14 May 2009, the examiner set forth a restriction requirement which divided claims 1-34 into six groups depending upon the type of formula and its substituents. The process claims were similarly divided. An election of species was also required.

On 12 June 2009, applicants elected Group II, and the following species, with traverse.

> Responsive to the requirement for an election of species, applicants hereby elect the compound of example number 281, namely, 2-cyano-N-cyclopropyl-N-(5-(4-(cyclopropylamino)quinazoline-6-yl)-2-fluorbenzyl)acetamide. Claims 1-21 and 25 are deemed to read on the elected species.

On 17 August 2009, the examiner mailed to applicants a non-final Office action in which the traversal was considered. The restriction requirement was made final. Claims 22-24, 26-28, 30-34 were withdrawn from consideration as being directed to a nonelected invention. All non-elected subject matter in the claims was objected to. Claims 1-20 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Chang.

Applicants responded to the Office action on 17 December 2009.

On 28 December 2009, in an interview summary, the examiner clarified that the elected invention was drawn to Group II, wherein the claimed compounds fall under the scope of Formula Ia, and not Formula I.

On 9 March 2010, the examiner prepared a FINAL Office action. Claims 22-24, 26-28, 30-34 were withdrawn from consideration as being directed to a nonelected invention. All non-elected subject matter in the claims was objected to in the claims. Claims 1-20 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Chang. The examiner indicated that Claims 21 and 25 would potentially be allowable if Claim 21 were written in independent form and the objections were addressed.

On 9 September 2010, applicants filed a Request for Continued Examination.

On 28 November 2011, the examiner prepared a non-final Office action in which claims 22-24, 26-28, and 30-34 were withdrawn from consideration. Claims 1-5, 7-20 and 29 were rejected under 35 USC 112, 2nd paragraph for indefiniteness and under 35 U.S.C. 112, 1st paragraph for written description. Claims 1-5, 7-19, 21, 25 and 29 were objected to for containing subject matter outside the scope of Group II.

On 28 February 2012, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

On 14 May 2009, the examiner divided Markush claims up as follows for restriction:

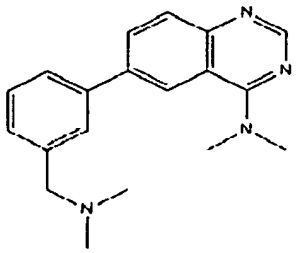
I. Claims 1-25 and 29 (in part), drawn to compounds of the formula Ia and simple compositions thereof as seen in claim 20, wherein R^{1a} and R^{2a} form a heterocyclic ring described therein, classification dependent on elected specie.

II. Claims 1-25 and 29 (in part), drawn to compounds of the formula Ia and simple compositions thereof as seen in claim 20, wherein R^{1a} and R^{2a} does not form the heterocyclic rings described therein, classification dependent on elected specie.

The examiner then created a "catch-all" group III for any embodiments not covered by Groups I or II.

III. Claims 1-25 and 29 (in part), drawn to compounds of the formula I and simple compositions thereof as seen in claim 1 that are not embraced by groups I-II, classification dependent on elected specie.

The petition requests that Group I-III be rejoined for examination because the Markush claims should be examined in accordance with MPEP 803.02. The petition argues that the compounds all require the following common substituted quinazoline structure:



The petition argues that the Office cannot refuse to examine applicants' invention, citing *In re Weber*. These arguments are persuasive.

This type of intraclaim restriction, where a Markush claim is placed into two groups based upon alternative limitations and a "catch-all" Group III is created for alternatives not embraced by groups I and II, which was maintained on 9 March 2011 and 28 November 2011, is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected

species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these guidelines and the guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Groups I-III) cannot be maintained. In keeping with the 2011 Federal Register Notice, this requirement has been withdrawn and re-formatted as a provisional election of species requirement. The examination guidance set forth above explains how the Markush claims are to be examined should the elected species be found free of the prior art.

It is noted that the Examiner has objected to claims for lacking compliance with the restriction requirement. This is counter to MPEP 803.02, 809, and 821.04(a) which permits applicants to retain claims to non-elected alternatives and to retain non-elected alternatives within a Markush claim.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 28 February 2012 is **GRANTED**.

The intra-claim restriction requirement made between Groups I-III has been withdrawn and re-formatted as a provisional election of species requirement.

The objection to the claims for lacking compliance with the restriction requirement is withdrawn.

The Office action mailed 28 November 2011 is withdrawn as incomplete for not extending the search and examination with respect to prior art for the non-elected alternatives, as required by the Federal Register Notice.

The application will be forwarded to the examiner for consideration of the papers filed 28 February 2012 and for preparation of an Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the Federal Register Notice of 9 February 2011.

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

Dan Sullivan
(Acting) Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of :
Johnson et al. :
Application No. 12/210,384 :
Filed: September 15, 2008 :
Attorney Docket No. RJON-0002 :

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 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 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 Barry E. Kaplan on behalf of all the practitioners of record associated with Customer Number 30184.

Customer Number 30184 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 16, 2010 that requires a reply.

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

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: RONALD H. JOHNSON
3042 BAKER ROAD
ACWORTH, GA 30101

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
12/210,384	09/15/2008	RONALD H. JOHNSON	RJON-0002

CONFIRMATION NO. 6493

POWER OF ATTORNEY NOTICE

30184
Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

Date Mailed: 06/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/12/2011.

- 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.

/atkelley-collier/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,465	09/15/2008	Masahiro Mabuchi	AOY-4058US	6639

7590 09/30/2011

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER	
DREKSLER, WALTER KEVIN	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
09/30/2011	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
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 8055338 B2
Application No.: 12/210508
Inventor(s): Ron A. Balczewski et al.
Issued: November 8, 2011
Attorney Docket No.: 279.303US3

Re: Request for Certificate of Correction

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

The certificate of correction submitted on 12/30/2011 for column 5, line 2 to delete "the IPTAT" is in accordance with the specifications submitted on 09/15/2008. In view of the foregoing, your request, in this matter, is hereby denied.

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

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 03/02/2012

Address: J. K. Parker
Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

/ts

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,555	09/15/2008	David J. Burkhart	FPS01 P-105	6800

28101 7590 01/11/2012

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

EXAMINER	
HOGAN, JAMES SEAN	

ART UNIT	PAPER NUMBER
3752	

MAIL DATE	DELIVERY MODE
01/11/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

In re Application of:
BURKHART, DAVID J. et al
Serial No.: 12/210,555
Filed: Sep. 15, 2008
Attorney's Docket: FPS01 P-105
Title: FIRE PROTECTION SYSTEMS HAVING REDUCED CORROSION

DECISION ON PETITION TO ENTER AMENDMENT AFTER FINAL

This is a decision on the petition filed on December 30, 2011 to enter the amendment after final under 37 CFR 1.116(b)[1] filed on December 5, 2011. The petition is being considered pursuant to 37 CFR 1.181 and no fee therefore is required.

The petition is **DISMISSED**.

This application comes before the Technology Center Director for review of prosecution, in particular for review of the Office letter (advisory action) of December 21, 2011. Petitioner opines that the examiner's refusal to enter the Rule 116 Amendment filed on December 5, 2011 was improper because the Rule 116 Amendment did not raise new issues that would require further consideration and/or search. Finally, petitioner also argues that the Rule 116 Amendment also placed the rejected claims in better form for appeal purpose in accordance with 37 CFR § 1.116.

Discussion and Analysis

In response to the Rule 116 Amendment filed on December 5, 2011, the examiner stated in the advisory action that the Rule 116 Amendment necessitates additional search.

[1] 37 CFR § 1.116 (b) After a final rejection or other final action (§ 1.113) in an application or in an exparte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title): (1)An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action; (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or (3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

After a careful analysis of the Rule 116 Amendment of December 5, 2011, the facts do not support petitioner's arguments. By adding all limitations of the cancelled dependent claim 41 with the independent claim 7, the applicant has effectively cancelled the finally rejected independent claim 7. The new issues raised by the Rule 116 Amendment lie with the other dependent claims 2-6, 8, 10-12, 25-35, 40 and 42. The scopes of the dependent claims 2-6, 8, 10-12, 25-35, 40 and 42 have been significantly changed because these dependent claims have never been dependent from the subject matter/limitations of now amended claim 7. In order to place dependent claim 41 in independent form, the applicant should have placed all of the limitations of independent claim 7 into dependent claim 41 and left independent claim 7 unamended. Moreover, by adding all of the limitations of the cancelled dependent claim 39 to the independent claim 13, the applicant has effectively cancelled the finally rejected independent claim 13. The new issues raised by the Rule 116 Amendment lie with the other dependent claims 36 and 38. The scopes of the dependent claims 36 and 38 have been significantly changed because these dependent claims have never been dependent from the subject matter/limitations of now amended claim 13. In order to place dependent claim 39 in independent form, the applicant should have placed all of the limitations of independent claim 13 into dependent claim 39 and left independent claim 13 unamended. Under the circumstances with respect to the dependent claims, the Rule 116 Amendment definitely raises new issues and does not reduce any appealable issues. Since the scopes of the dependent claims 2-6, 8, 10-12, 25-36, 38, 40 and 42 have been changed, the examiner does need to reconsider the merits of the newly amended subject matter in all dependent claims including reconsideration of the prior art references of record and/or conduct an additional search. Therefore, the examiner's refusal to enter the Rule 116 Amendment filed on December 5, 2011 is proper. The Advisory Action of December 21, 2011 is appropriate.

Entry of a Rule 116 Amendment is not a matter of right. The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 714.13 in refusing entry of the Rule 116 Amendment submitted December 5, 2011. The examiner did not abuse his discretion or act in an arbitrary or capricious manner in denying entry of the proposed claims after final for the reasons stated. Therefore there is no basis for granting the relief requested.

Conclusion

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's refusal in admitting the Rule 116 Amendment of December 5, 2011 is proper.

The application is being forwarded to the SPE of Art Unit 3752 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 37 CFR 1.181(f). No extension of time under 37 CFR 1.136 (a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry C. Yuen, Supervisory Patent Examiner, at 571-272-4856.

The petition is dismissed.

Robin Evans, Acting Director
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/210,560	09/15/2008	Shinichi FUJII	331850US8	6811

22850 7590 09/28/2010

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

EXAMINER
HANCOCK, DENNIS

ART UNIT	PAPER NUMBER
2862	

NOTIFICATION DATE	DELIVERY MODE
09/28/2010	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

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

In re Application of:
Shinichi Fuji
Serial No.: 12/210,560
Filed: September 15, 2008
Title: IMAGE CAPTURING APPARATUS
Attorney Docket No.: 331850US8

DECISION ON REQUEST TO RETRIEVE PRIORITY DOCUMENT

This is response to the "Request to Retrieve Electronic Priority Application(s)" filed September 9, 2010.

The request is GRANTED.

Applicant requests that the USPTO retrieves an electronic copy of the Japanese application JP 2007-278719 for which benefit has been claimed under 35 USC 119(a)-(d). The request is accompanied by a Supplemental Application Data Sheet (ADS) that identifies Japanese application JP 2007-278719, filed on October 26, 2007.

A review of the application file record reveals that the instant application was originally filed with a declaration that properly claims the benefit of Japanese application 2007-278719, filed on October 26, 2007. However, also submitted with the original filings was an ADS that identified the priority claim was made to Japanese application JP 2004-278719, filed on October 26, 2007.

The application was examined and a Notice of Allowance and Fee(s) Due and a Notice of Allowability were mailed on July 30, 2010. The Notice of Allowability acknowledged that the conditions for claiming priority under 35 USC 119 were met.

The instant request to retrieve the electronic copy of the Japanese application was filed on September 9, 2010 along with a Supplemental ADS to correctly list Japanese application JP 2007-278719 for which benefit under 35 USC 119(a)-(d) may properly be claimed and the conditions there under be met.

37 CFR 1.76(d) provides for filing an Application Data Sheet. Where there are inconsistencies between the information provided by the Application Data Sheet and other documents, resolution of such inconsistencies is governed by 37 CFR 1.76(d) which states as follows:

> "(d) Inconsistencies between application data sheet and other documents. For inconsistencies between information that is supplied by both an application data sheet under this section and other documents.
>
> (1) The latest submitted information will govern notwithstanding whether supplied by an application data sheet, an amendment to the specification, a designation of a correspondence address, or by a § 1.63 or § 1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;
>
> (2) The information in the application data sheet will govern when the inconsistent information is supplied at the same time by an amendment to the specification, a designation of correspondence address, or a § 1.63 or § 1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;
>
> (3) The oath or declaration under § 1.63 or § 1.67 governs inconsistencies with the application data sheet in the naming of inventors (§ 1.41 (a)(1)) and setting forth their citizenship (35 U.S.C. 115);
>
> (4) The Office will capture bibliographic information from the application data sheet (notwithstanding whether an oath or declaration governs the information). Thus, the Office shall generally, for example, not look to an oath or declaration under § 1.63 to see if the bibliographic information contained therein is consistent with the bibliographic information captured from an application data sheet (whether the oath or declaration is submitted prior to or subsequent to the application data sheet). Captured bibliographic information derived from an application data sheet containing errors may be corrected if applicant submits a request therefor and a supplemental application data sheet."

Because the ADS filed September 15, 2008, properly identifies the filing date of the foreign application, the correction of the Japanese foreign application number is hereby accepted without the necessity of filing a petition since the error does not adversely affect the publication of the instant application.

Applicant is reminded that once an application is allowed and a copy of the foreign priority document is not retrieved and placed in the application file record, it is incumbent upon the applicant to submit a copy of the foreign priority document because the Office could not retrieve the incorrectly identified document number. The following statement is from the USPTO web site regarding the Foreign Document Exchange Program:

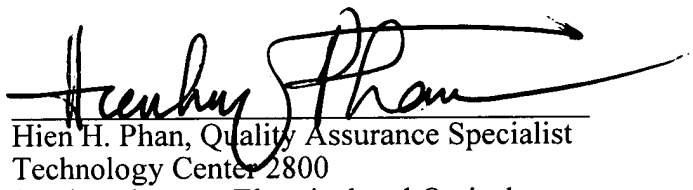
> "Upon receipt of a timely filed request, the USPTO anticipates that two attempts will be made to retrieve a copy of the foreign application from the participating office. Applicants should check the private PAIR http://www.uspto.gov/main/glossary/index.html" \l "pair http://www.uspto.gov/main/glossary/index.html" \l "pair to determine if the copy of the

foreign application has been retrieved by the USPTO. Successful retrieval of priority documents cannot be guaranteed. Also, the examiner will indicate the status of retrieval in an Office action (i.e., PTOL-326 Office Action Summary item 12; PTOL-37 Notice of Allowability item 3). If at the time of allowance, the priority document is still missing, applicant must file a paper certified copy of the priority document prior to the issuance of the application. See 37 CFR 1.55(a)."

A copy of the foreign document has been retrieved and placed in the file record. No further action from the examiner is necessary at this point.

The application is being returned to Publishing Division where it awaits payment of the required fees for issuance of a patent.

Inquiries related to this decision should be directed to the undersigned at (571) 272-1606.



Hien H. Phan, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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	12210566
Filing Date	15-Sep-2008
First Named Inventor	Yerramilli MURTHY
Art Unit	1627
Examiner Name	DEIRDRE CLAYTOR
Attorney Docket Number	027585-001302US
Title	FLUOROQUINOLONE COMPOSITIONS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20350

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	IDEXX Laboratories, Inc.
Address	One IDEXX Drive
City	Westbrook
State	ME
Postal Code	04092
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John McGroarty/
Name	John McGroarty
Registration Number	41186

UNITED STATES 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 24,2011

In re Application of :

Yerramilli MURTHY

Application No : 12210566

Filed : 15-Sep-2008

Attorney Docket No : 027585-001302US

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 24,2011

The request is **APPROVED.**

The request was signed by John McGroarty (registration no. 41186) on behalf of all attorneys/agents associated with Customer Number 20350 . All attorneys/agents associated with Cusotmer Number 20350 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	IDEXX Laboratories, Inc.
Name2	
Address 1	One IDEXX Drive
Address 2	
City	Westbrook
State	ME
Postal Code	04092
Country	US

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

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

Office of Petitions

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MAILED
FEB 06 2012
OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK NY 10019

In re Application of	:	
Hyung-Nam Choi	:	
Application No. 12/210,571	:	DECISION GRANTING PETITION
Filed: September 15, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. V0196.0100	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 13, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2471 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS
INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of :
Street :
Application No. 12/210,583 : DECISION
Filed/Deposited: 19 September, 2008 :
Attorney Docket No. TI-64157 :

This is a decision on the petition filed on 17 January, 2012, 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.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 12 May, 2011, with reply due absent extension of time on or before 12 August, 2011.

The application went abandoned by operation of law after midnight 12 August, 2011.

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

On 17 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and reply in the form of an amendment.

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

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

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2,3]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

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

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

> them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[4]

As to Allegations of
Unintentional Delay

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

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

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2837 for further processing in due course.

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

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

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

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.
12/210,596	09/15/2008	Kazuya Saimei	008312-0374674	6881

7590 08/27/2010
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
MATTHEWS, TERRELL HOWARD

ART UNIT	PAPER NUMBER
3653	

MAIL DATE	DELIVERY MODE
08/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/27/2010 KFARMER
09/16/2008 INTERSU 00001329 033975 12210596
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Patent No. 7708130	:	
Issue Date: 05/04/2010	:	
Application Number: 12/210661	:	NOTICE
Filing or 371(c) Date: 09/15/2008	:	
Attorney Docket Number:	:	
H01.2-14103-US01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on November 1, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

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

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Patent No. 7,937,296 :
Issue Date: May 3, 2011 :
Application No. 12/210,673 : ON PETITION
Filed: September 15, 2008 :
Attorney Docket No.: 018360/345497 :

This is a decision in response to your request, filed January 20, 2012, 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, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error in 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 data must comply with 37 CFR 3.81(b) which 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.

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]

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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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RISSMAN HENDRICKS & OLIVERIO, LLP
100 Cambridge Street
Suite 2101
BOSTON MA 02114

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of
Massoumi, et al.
Application No.: 12/210,690
Filed: September 15, 2008
Attorney Docket No: **Z002-7001US0**

: ON PETITION

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

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the final Office action mailed July 8, 2011. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on October 9, 2011.

The continuing application accorded application serial number 13/344,966 filed January 6, 2012, is noted. With continuity having been established, the subject application is again abandoned in favor of the continuing application.

The request for the extension of time within the third month filed February 1, 2012, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the final Office action. The amount of $1,270.00 will be refunded, in due course.

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
Alexandria, VA 22313-1450
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Matheson Keys Garsson & Kordzik PLLC
7004 Bee Cave Rd.
Bldg. 1, Suite 110
Austin TX 78746

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Krysztof C. Kwiatkowski :
Application No. 12/210,762 : DECISION ON PETITION
Filed: September 15, 2008 :
Attorney Docket No. 21545-213001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 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 6, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 6, 2010. Accordingly, the date of abandonment of this application is August 7, 2010. The Notice of Abandonment was mailed August 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $,1510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

SEP 17 2010

OFFICE OF PETITIONS

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

In re Application of
STEVEN M. COHEN ET AL.
Application No. 12/210,799
Filed: September 15, 2008
Attorney Docket No. **03875.001400.**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 16, 2010.

The request is **APPROVED**.

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

The request was signed by Douglas Sharrott on behalf of all attorneys of record who are associated with Customer Number 05514.

All attorneys/agents associated with Customer Number 05514 have been withdrawn.

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

All future correspondence will be directed to the assignee T-Ink, Inc. at the address list listed in the request.

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: T-Ink, Inc.
244 West 54th Street
New York, NY 10019

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Andrew R. Bond et al. :
Application No. 12/210,816 : DECISION ON PETITION
Filed: September 15, 2008 : TO WITHDRAW
Attorney Docket No. 012260-0002-999 : 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 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 James W. Peterson on behalf of all attorneys/agents associated with customer number 20583. All attorneys/agents associated with customer number 20583 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: Andrew R. Bond
294 Kimble Road
Lincoln University, PA 19352

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/210,816	09/15/2008	Andrew R. Bond	012260-0002-999

CONFIRMATION NO. 7308

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

POWER OF ATTORNEY NOTICE

OC000000045515048

Date Mailed: 01/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2010.

- 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.

/kainabinet/

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/22/11

TO SPE OF : ART UNIT 2464

SUBJECT : Request for Certificate of Correction for Appl. No.: 12210821 Patent No.: 8036221

CofC mailroom date: 11/15/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
[redacted]s/SPE response to 571-273-3421

Note: Should the changes to the Inventor be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X Approved — **All** changes apply.

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

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

Comments: _____

_____

_____

_____

_____

/Ricky Ngo/ 2464 _____

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

MAILED

DEC 13 2010

OFFICE OF PETITIONS

THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON CA 94583

In re Application of :
Hasnain :
Application No. 12/210,845 :
Patent No.: 7,741,134 : DECISION ON PETITION
Filed: September 15, 2008 : PURSUANT TO
Issued: June 22, 2010 : 37 C.F.R. § 1.28(c)
Attorney Docket No.: 54870 :
Title: INVERTED LED STRUCTURE :
WITH IMPROVED LIGHT EXTRACTION :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on October 22, 2010. 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 fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of $1370 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES CA 90067-6023

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of :
Bauer, et al. :
Application No. 12/210,884 : ON PETITION
Filed: September 15, 2008 :
Attorney Docket No. 364376-14 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 21, 2011.

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

The above application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed December 27, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on March 28, 2011.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed an Amendment.

The application is being forwarded to Group Art Unit 2154 for consideration of the Amendment, filed July 21, 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

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Shiwei Zhao, et al.
Application No. 12/210,917
Filed: September 15, 2008
Attorney Docket No. 443090-8054 -.US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

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

The request was signed by Brian R. Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 15, 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: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETOWRKS, INC.
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206

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
12/210,917	09/15/2008	Shiwei Zhao	43390-8054.US01

CONFIRMATION NO. 7495

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000046686272

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GILEAD SCIENCES INC
333 LAKESIDE DR
FOSTER CITY CA 94404

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Montgomery et al.	:	
Application No. 12/210,965	:	DECISION ON PETITION
Filed: September 15, 2008	:	
Attorney Docket No. S126.PC	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue and publication fees on or before March 30, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 30, 2010. Accordingly, the date of abandonment of this application is March 31, 2011. A Notice of Abandonment was mailed 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 payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RepuTrust, LLC
4511 S. Hollow Rd.
Nibley, UT 84321

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Steven R. Cullen :
Application No. 12/211,028 : ON PETITION
Filed: September 15, 2008 :
Attorney Docket No. 51487.2600 :

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

The application became abandoned for failure to file a timely reply to the Restriction/Election Requirement mailed July 9, 2010. A Notice of Abandonment was mailed on January 12, 2011.

It is noted that while the paper title "PATENT FACSIMILE COVER SHEET", filed on January 10, 2011, authorizes the Office to "charge any additional fees required to enter the attached Response" it failed to contain a deposit account number or an attached credit card form in the amount of $1,175 for a five months extension of time; therefore, this application was properly held abandoned.

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/election; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3721 for review of the response filed on January 10, 2011.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Bagley et al. :
Application No. 12/211,082 : DECISION ON PETITION
Filed: September 15, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 026705-001900US :
:

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 5, 2011.

The request is **APPROVED**.

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

The request was signed by Christopher L. Willink, on behalf of all attorneys/agents of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed June 24, 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: Pavad Medical, Inc.
Attn: John F. Thompson, Esq.
826 Coal Creek Circle
Louisville, Colorado 80027

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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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of :
Stephen Ronald Levinson :
Application No. 12/211,136 : DECISION ON PETITION
Filed: September 16, 2008 TO WITHDRAW FROM RECORD
Attorney Docket No. 103163-100 :
:

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 21, 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 Jay H. Anderson on behalf of all attorneys of record who are associated with Customer Number 27267.

All attorneys/agents associated with the Customer Number 27267 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed March 31, 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: Stephen R. Levinson
48 Dogwood Drive
Easton, CT 06612

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WEINGARTEN SCHURGIN GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re
Shlomi, et al.
Application No. 12/211,180
Filed: September 16, 2008
Patent No. 7,775,224
Issued: August 17, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed February 4, 2011.

The fee deficiency submission under 37 CFR 1.28 of $755, representing the issue fee, is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/211,182	09/16/2008	Martin T. Garthaffner	04981-00648-US	7981

23416 7590 03/26/2012

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER	
TAWFIK, SAMEH	

ART UNIT	PAPER NUMBER
3721	

MAIL DATE	DELIVERY MODE
03/26/2012	PAPER

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

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of:
GARTHAFFNER, MARTIN T.
Serial No.: 12/211,182
Filed: Sep. 16, 2008
Docket: 04981-00648-US
Title: CIGARETTE FILTER

DECISION ON PETITION

This is a decision on the petitions filed February 15, 2011 under 37 CFR 1.181 requesting withdrawal of the election of species requirement of the Office action mailed May 28, 2010. This petition is considered as pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive, the requested relief for withdrawal of election of species requirement promulgated on May 28, 2010 is granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3721 for further consideration and examination of all pending claims as filed on January 10, 2011 and the RCE filed on February 15, 2011.

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

Accordingly, the petition is **granted.**

for

Donald T. Hajec, Director
Technology Center 3700

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Alexandria, VA 22313-1450
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Jones Day (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland OH 44114

MAILED

MAY 06 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MAGUIRE et al. :
Application No.: 12/211,223 :
Filing Date: 16 September 2008 : DECISION on PETITION
Attorney's Docket No.: 555255-012999 :
For: USER INTERFACE AND METHOD OF : UNDER 37 CFR 1.78(a)(6)
VIEWING UNIFIED COMMUNICATIONS :
EVENTS ON A MOBILE DEVICE :

This is a decision on Petitioner's "Petition to Accept An Unintentionally Delayed Priority Claim Under 37 CFR 1.78(a)", filed 14 January 2011 to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior -filed provisional application.

The petition is hereby **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 the expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition under must be accompanied by:

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

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification filed 19 January 2010, as provided by 37 CFR

1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3), the petition contains the statement that "the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 CFR §1.78 and the date the claim was filed was unintentional." This statement has been construed to mean 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." If this is incorrect, petitioner **must** notify the USPTO immediately. As so construed, the petition contains a proper statement of unintentional delay satisfying 37 CFR 1.78 (a)(6). Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed provisional 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 Filing Receipt accompanying this decision on petition will include the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2617 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 119(e) to the prior-filed provisional application.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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P.O. Box 1450
Alexandria, VA 22313-1450
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TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder CO 80301-3299

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FEB 02 2012

OFFICE OF PETITIONS

In re Application of
Buysse, et al.
Application No. 12/211,261
Filed: September 16, 2008
Attorney Docket No. 2041 CONCIP3CON
(203-2898

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

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 16, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to a prior-filed international application designating the United States of America (Application No. PCT/US01/11412, filed April 6, 2001).

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date. See, 35 U.S.C. § 132(a). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a

benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See, Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note, MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder CO 80301-3299

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of :
Buysse, et al. :
Application No. 12/211,261 : DECISION ON PETITION
Filed: September 16, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2041 CONCIP3CON :
(203-2898 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 1, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to a prior-filed international application designating the United States of America (Application No. PCT/US01/11412, filed April 6, 2001).

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A

benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Wherein the amended specification asserts that PCT/US01/11412 is a continuation-in-part of non-provisional App. No. 09/387,883, review of the record indicates that said PCT application is a continuation of the '883 application.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/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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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of :
Mahidhar Reddy :
Application No. 12/211,329 :
Filed: September 16, 2008 :
Attorney Docket No. **644122000100** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed March 8, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Jonathan Bockman on behalf of all attorneys of record who are associated with Customer Number 25227.

All attorneys/agents associated with Customer Number 25227 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 Bryan Cappelletti at the address list listed in the request.

There is an outstanding Office action mailed February 24, 2012, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Mahidhar Reddy
Sema Connect, Inc.
3 Church Circle - #138
Annapolis, MD 21401

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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
12/211,329	09/16/2008	Mahidhar Reddy	644122000100

CONFIRMATION NO. 8226

POWER OF ATTORNEY NOTICE

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 03/12/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2012.

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

/jlburke/

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

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

MAILED
AUG 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Pei Dang et al.	:	
Application No. 12/211,356	:	DECISION ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. HW703572	:	

This is a decision on the petition under 37 CFR 1.59(b), filed June 14, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the copy of Chinese Patent Application 200510101834.2, filed April 13, 2011be expunged from the record.

Petitioner indicates this document was intended to be filed in another application.

The petition is deficient because there is no statement that:

> (B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
> (C) the information has not otherwise been made public;
> (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

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

Carl Friedman
Petitions Examiner
Office of Petitions

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Joong K. Lee	:	
Application No. 12/211,360	:	DECISION ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. KSR-18202/08	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the supplemental Notice of Allowability, mailed September 25, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 26, 2009. A Notice of Abandonment was mailed on November 30, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 2 6 2010

OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of :
Ivan KOVTUN, et al :
Application No. 12/211,493 : DECISION ON PETITION
Filed: September 16, 2008 : TO WITHDRAW
Attorney Docket No. 2657.004US1 : FROM RECORD
:

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

The request is **NOT APPROVED.**

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

In this regard, the assignee indicated on the change of correspondence address is not that of an assignee who has properly been made of record under 37 CFR 3.71. Accordingly, the request to withdraw from record cannot be granted.

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

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

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

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GARTH VIEVIER
1600 TCF TOWER,
121 SOUTH 8TH STREET
MINNEAPOLIS MN 55402

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PAUL MARCOUX
480, BOUL. ARMAND-FRAPPIER
LAVAL QC H7V 4B4 CA CANADA

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OCT 20 2010

OFFICE OF PETITIONS

In re Application of
Laibin Luo et al.
Application No. 12/211,551
Filed: September 16, 2008
Attorney Docket Number: PMNDS-020USC2

ON PETITION

This is a decision on the petition, filed September 23, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned September 10, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on June 9, 2010. Accordingly, the Notice of Abandonment was mailed on September 28, 2010.

The issue fee in the amount of $755.00, publication fee in the amount of $300 and the petition fee in the amount of $810 have been charged to the credit card provided.

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

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

Patricia Faison-Ball
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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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Patent No. 7712597	:	
Issue Date: 05/11/2010	:	
Application Number: 12/211573	:	NOTICE
Filing or 371(c) Date: 09/16/2008	:	
Attorney Docket Number: H01.2-14102-US01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on November 1, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/5/2011

TO SPE OF : ART UNIT 2836 Fureman Jared (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/211576 Patent No.: 7894173

CofC mailroom date: 3/22/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

/Jared Fureman/ 2836
SPE **Art Unit**

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United States Patent and Trademark Office
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FOLEY HOAG, LLP
PATENT GROUP
WORLD TRADE CENTER WEST
155 SEAPORT BLVD.
BOSTON, MA 02110

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Collins, et al.	:	
Application No. 12/211,593	:	DECISION ON PETITION
Filed: September 16, 2008	:	TO WITHDRAW
Attorney Docket No. ICD-023.01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2011.

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

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on July 22, 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: **LOGINOV & ASSOCIATES, PLLC**
10 WATER STREET
CONCORD, NH 03301

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

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Application of :
Wen Shi, et al. :
Application No. 12/211,615 : DECISION ON PETITION
Filed: September 16, 2008 :
Atty. Docket No. 87720-758270 (015410US) :

This is a decision on the petition, filed August 12, 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**.

The application was held abandoned for failure to reply in a timely manner to the Office action mailed February 7, 2011 (Notice), which set a shortened statutory period for reply of one (1) month. A response was due on or before March 7, 2011 or on or before August 7, 2011 with a purchase of a five (5) month extension of time. A Notice of Abandonment was mailed May 24, 2011.

In requesting a withdrawal of the holding of abandonment, petitioner states, "Applicants did not expect the Notice of Abandonment mailed almost immediately after the Terminal Disclaimer review decision. In fact, Applicants were expecting a Notice of non-compliant or non-responsive amendment or another office action before making a response."

Although a Notice of Abandonment was mailed prematurely, applicants failed to submit an acceptable terminal disclaimer along with a request for an appropriate extension of time within 6 months from Notice mailed February 7, 2011. The terminal disclaimer mailed with the instant petition was filed after the maximum extendable time period had expired. As a proper response to the Notice was not timely filed, the application was properly held to have gone abandoned.

Accordingly, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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

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

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

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

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

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

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

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Wen Shi, et al.	:	
Application No. 12/211,615	:	DECISION ON PETITION
Filed: September 16, 2008	:	
Attorney Docket No. 87720-758270 (015410US)	:	

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

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Office action mailed February 7, 2011 (Notice), which set a shortened statutory period for reply of one (1) month. A response was due on or before March 7, 2011 or on or before August 7, 2011 with a purchase of a five (5) month extension of time. A Notice of Abandonment was mailed May 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper terminal disclaimer (previously filed), (2) the petition fee of $1,860, 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 2818 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
JAN 21 2011
OFFICE OF PETITIONS

Applicant: Steinberg, et al.
Appl. No.: 12/211,690
Filing Date: September 16, 2008
Title: SYSTEM AND METHOD FOR EVALUATING CHANGES IN THE EFFICIENCY OF AN HVAC SYSTEM
Attorney Docket No.: JSTEIN.006A
Pub. No.: 2010/0070234 A1
Pub. Date: March 18, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on May 13, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to provisional application 60/944011 is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

It is noted that provisional application 60/944011 for which benefit is claim has an earlier filing date than September 17, 2007.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of :
Steinberg et al. :
Application No. 12/211690 : DECISION ON PETITION
Filing or 371(c) Date: 09/16/2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. EFACT.006A :

This is a decision on the Petition to Correct Delayed Domestic Priority Claim Under 37 CFR 1.78(a)(3), filed February 17, 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 Preliminary Amendment and Supplemental Application Data Sheet. The petition is properly treated under 37 CFR 1.78(a)(6).

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 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.

Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/211,690	09/16/2008	2857	827	EFACT.006A	20	3

CONFIRMATION NO. 8946

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

CORRECTED FILING RECEIPT

OC000000047232670

Date Mailed: 04/20/2011

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

Applicant(s)

John Douglas Steinberg, Millbrae, CA;
Scott Douglas Hublou, Redwood City, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/994,011 09/17/2007

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: 09/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/211,690**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

SYSTEM AND METHOD FOR EVALUATING CHANGES IN THE EFFICIENCY OF AN HVAC SYSTEM

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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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of :
Nigel P. Cook, et. al. :
Application No. 12/211,706 : DECISION DISMISSING PETITIONS
Filed: September 16, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. QPC.000GEN :

This is a decision on the petition under 37 CFR § 1.78(a)(3) filed June 16, 2011, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

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

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

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

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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2040 Main Street
Fourteenth Floor
Irvine, CA 92614

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of :
Nigel P. Cook, et. al. :
Application No. 12/211,706 : DECISION GRANTING PETITION
Filed: September 16, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. QPC.000GEN :

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 20, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

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

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

Since all the above requirements have been satisfied, the petition is **granted**.

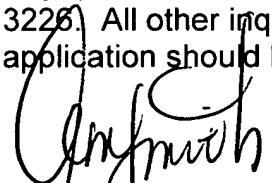
The late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

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

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

This application is being forwarded to Technology Center Art Unit 2836 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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
12/211,706	09/16/2008	2836	1955	QPC.000GEN	58	7

CONFIRMATION NO. 8974

CORRECTED FILING RECEIPT

14870
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

OC000000048890463

Date Mailed: 07/21/2011

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)

Nigel P. Cook, El Cajon, CA;
Stephen Dominiak, Magenwil, SWITZERLAND;
Lukas Sieber, Olten, SWITZERLAND;
Hanspeter Widmer, Wohlenschwill, SWITZERLAND;

Assignment For Published Patent Application

NIGEL POWER, LLC, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 14870

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/973,100 09/17/2007
and is a CIP of 12/018,069 01/22/2008
which claims benefit of 60/904,628 03/02/2007

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

If Required, Foreign Filing License Granted: 09/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/211,706**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

Transmitters and receivers for wireless energy transfer

Preliminary Class

307

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7,746,982 B2
Ser. No. : 12/211,721
Inventor(s) : Yoshii et al..
Issued : Jun. 29, 2010
Title : ROTARY ANODE X-RAY TUBE
Docket No. : 430.0115USU
Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

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

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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Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,746,982 :
Issue Date: 06/29/2010 :
Application No. 12/211,721 : DECISION ON PETITION
Filed: 09/16/2008 :
Attorney Docket No. 430.0115USU :

This is a decision on the petition under 37 CFR 3.81(b), filed November 4, 2010, to correct the assignee on the front page of the above-identified patent by way of Certificate of Correction.

37 CFR 3.81(b) 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.

Upon a review of the records, it does not appear that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in 3.11 before issuance of the patent. The Notice of Recordation of Assignment Document provided by petitioner indicates that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was recorded on September 16, 2010, after the patent issued on June 29, 2010.

Accordingly, the request is **dismissed**.

The processing fee set forth in § 1.17(i) has not been charged to petitioner's Deposit Account. Petitioner may request a refund of the $100.00 certificate of correction fee set forth in § 1.20(a) by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

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 should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,746,982 :
Issue Date: 06/29/2010 :
Application No. 12/211,721 : DECISION ON PETITION
Filed: 09/16/2008 :
Attorney Docket No. 430.0115USU :

This is a decision on the renewed petition under 37 CFR 3.81(b), filed September 27, 2011, to correct the assignee data on the front page of the above-identified patent by way of Certificate of Correction.

37 CFR 3.81(b) 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.

Upon further review of the records, it appears that the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in 3.11 before issuance of the patent. However, the assignment recordation cover sheet only listed Kabushiki Kaisha. A corrective assignment to add the second assignee, Toshiba Matsushita Display Technology Co., Ltd., was recorded in the USPTO on September 16, 2010.

As the assignment to Toshiba Matsushita Display Technology Co., Ltd. was submitted for recordation as set forth in § 3.11 before issuance of the patent, and patentees include a request for a certificate of correction under § 1.323 (accompanied by the fee set forth in § 1.20(a) and an authorization to charge the processing fee set forth in § 1.17(i), the request under 37 CFR 3.81(b) is **granted**.

The $130.00 processing fee set forth in 37 CFR 1.17(i) will be charged to the Deposit Account as authorized. The Office acknowledges the previous payment of the $100.00 certificate of correction fee.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 27 2011

OFFICE OF PETITIONS

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2248

In re Application of :
Brian Bowman, et al. :
Application No. 12/211,732 : ON PETITION
Filed: September 16, 2008 :
Attorney Docket No.: 353952-991120 :

This is a decision in response to the petition entitled "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed April 18, 2011, which is being treated as a petition under the provisions of 37 CFR 1.137(f) to revive an application for patent abandoned for failure to notify the office of a foreign or international filing.

The petition, as construed, 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(f)" and include the appropriate statements required under 37 CFR 1.37(f). This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner indicates, in effect, that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country, stating "Rescission of Nonpublication Request was not filed with 45 days after the date of foreign filings". However, before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(f).

For applicant's convenience, a copy of appropriate form PTO/SB/64a entitled PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137f), is enclosed.

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]

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

SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/64a

[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

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P.O. Box 1450
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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2248

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Brian Bowman, et al. :
Application No. 12/211,732 :
Filed: September 16, 2008 :
Attorney Docket No.: 353952-991120 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed June 3, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on September 11, 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 is 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.

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
12/211,732	09/16/2008	Brian Bowman	353952-991120

CONFIRMATION NO. 9029

26379
DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2248

NONPUBLICATION RESCISSION LETTER

Date Mailed: 06/28/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 10/06/2011.

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".

/sdbrinkley/

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 6, 2011 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 2895.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 27 2011

OFFICE OF PETITIONS

Applicant: Steinberg, et al.
Appl. No.: 12/211,733
Filing Date: September 16, 2008
Title: System And Method For Calculating The Thermal Mass Of A Building
Attorney Docket No.: JSTEIN.005A
Pub. No.: 2010/0070084 A1
Pub. Date: March 18, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on May 13, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to provisional application 60/944011 is not printed.

The request is dismissed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The first line of the specification

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.
It is noted that provisional application 60/944011 for which benefit is claim has an earlier filing date than September 17, 2007.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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

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

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
Steinberg, et al. :
Application No. 12/211,733 : DECISION ON PETITION
Filed: September 16, 2008 : UNDER 37 CFR 1.78(a)(6)
Patent No. 7,848,900 :
Issued: December 7, 2000

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 24, 2011, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional application No. 60/994,011.

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.** As set forth in MPEP 1481.03, "A Certificate of Correction is NOT a valid mechanism for adding or correcting a priority claim under 35 U.S.C. 119(e) after a patent has been granted on an application filed on or after November 29, 2000." Here, the petition was filed after the issuance of the patent. Accordingly, the petition must be dismissed.

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

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

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

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

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Chris Bottorff
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/14/11

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 12211733 Patent No.: 7848900

CofC mailroom date: 02/24/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

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

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

Comments: see petition decision mailed to applicant on May 19, 2011.

/Eliseo Ramos-Feliciano/
Supervisory Patent Examiner

SPE 2857 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GEORGE R REARDON
3356 STATION COURT
LAWRENCVILLE GA 30044

MAILED
APR 02 2012
OFFICE OF PETITIONS

In re Application of :
William David Holcombe :
Application No. 12/211,812 : ON PETITION
Filed: September 17, 2008 :
Attorney Docket No. 08-0254 :

This is a decision on the 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 in response to the Office action mailed March 17, 2011. This Office action set a shortened statutory period for reply of one month. No reply having been received, the application became abandoned on April 18, 2011. The Office mailed a Notice of Abandonment on October 31, 2011.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 3634 for consideration of the Election, filed March 12, 2012.

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
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P.O. Box 1450
Alexandria, VA 22313-1450
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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:
Hehir et al.	: DECISION ON PETITION
Application No. 12/211,854	: UNDER 37 CFR 1.78(a)(3)
Filed: September 17, 2008	:
Attorney Docket No. 225017-1	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 28, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications as set forth in the Application Data Sheet (ADS) and the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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

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

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant 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 instant application is entitled to the benefit of the earlier filing date.

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

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

This matter is being referred to Technology Center Art Unit 1618 for appropriate action on the Amendment and ADS filed July 28, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
12/211,854	09/17/2008	1618	2290	225017-1	41	4

CONFIRMATION NO. 9259

CORRECTED FILING RECEIPT

6147
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Date Mailed: 08/26/2011

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

Applicant(s)

Christina Abucay Tan Hehir, Niskayuna, NY;
Stephen Johnson Lomnes, Philadelphia, PA;
Kenneth Michael Fish, Clifton Park, NY;
Tiberiu Mircea Siclovan, Rexford, NY;
Michael Christopher Montalto, Albany, NY;
Tunchiao Hubert Lam, Clifton Park, NY;

Assignment For Published Patent Application

GENERAL ELECTRIC COMPANY, Schenectady, NY

Power of Attorney: The patent practitioners associated with Customer Number 006147

Domestic Priority data as claimed by applicant

This application is a CIP of 11/609,129 12/11/2006 PAT 7,727,511
and is a CIP of 11/609,134 12/11/2006 PAT 7,837,981

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

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/01/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/211,854**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

MYELIN DETECTION USING BENZOFURAN DERIVATIVES

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Renato J. Valdes et al. :
Application No. 12/211,858 : DECISION ON PETITION
Filed: September 17, 2008 : TO WITHDRAW
Attorney Docket No. 007320.00004 : 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, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Renato J. Valdes et al.	:	
Application No. 12/211,858	:	DECISION ON PETITION
Filed: September 17, 2008	:	TO WITHDRAW
Attorney Docket No. 007320.00004	:	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 December 3, 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 Ernest V. Linek on behalf of all attorneys/agents associated with customer number 22910. All attorneys/agents associated with customer number 22910 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: Mr. Renato J. Valdes
619 LaGrange Street
West Roxbury, MA 02132

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
12/211,858	09/17/2008	Renato J. Valdes	007320.00004

CONFIRMATION NO. 9265

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

POWER OF ATTORNEY NOTICE

OC000000045056601

Date Mailed: 12/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/03/2010.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 19, 2012

In re Application of :

Jay Schwartz

Application No : 12211882

Filed : 17-Sep-2008

Attorney Docket No : LPP001

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 January 19, 2012

The request is **APPROVED.**

The request was signed by John P. Maldjian (registration no. 41967) on behalf of all attorneys/agents associated with Customer Number 71136 . All attorneys/agents associated with Cusotmer Number 71136 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	Jay Schwartz
Name2	
Address 1	2080 Northwest Boca Raton Blvd #6
Address 2	
City	Boca Raton
State	FL
Postal Code	33431
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	12211882
Filing Date	17-Sep-2008
First Named Inventor	Jay Schwartz
Art Unit	3715
Examiner Name	MICHAEL GRANT
Attorney Docket Number	LPP001
Title	INTERACTIVE GAMING SYSTEM VIA A GLOBAL NETWORK AND METHODS THEREOF

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 71136

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	Jay Schwartz
Address	2080 Northwest Boca Raton Blvd #6
City	Boca Raton
State	FL
Postal Code	33431
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John P. Maldjian/
Name	John P. Maldjian
Registration Number	41967

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : March 14, 2012

In re Application of :

Yukio KIZAKI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12211964

Filed : 17-Sep-2008

Attorney Docket No : 332145US2SRDX

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2883 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	12211964
Filing Date	17-Sep-2008
First Named Inventor	Yukio KIZAKI
Art Unit	2883
Examiner Name	PAUL LEE
Attorney Docket Number	332145US2SRDX
Title	LIQUID CRYSTAL DISPLAY DEVICE COMPRISING A PIXEL ELECTRODE HAVING A REVERSE TAPER SHAPE WITH AN EDGE PORTION THAT FORMS A TRANSITION NUCLEUS IN A LIQUID CRYSTAL LAYER

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	/surinder sachar/
Name	Surinder Sachar
Registration Number	34423

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

MAILED
OCT 22 2010
OFFICE OF PETITIONS

In re Application of :
Richard W. Randlett et al :
Application No. 12/212,039 : ON PETITION
Filed: September 17, 2008 :
Attorney Docket No. EXAR-01021US0 :

This is in response to the petitions, filed June 7, 2010 which are being treated as petitions under 37 CFR 1.183 requesting waiver of the requirements of 37 CFR 1.64, and under 37 CFR 1.48(a) requesting correction of inventorship.

The petitions are **DISMISSED.**

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration filed December 16, 2008 lists PRC as the citizenship for inventor Zonggi Hu, which is an invalid citizenship. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by Zonggi Hu is REQUIRED. See MPEP 409.03(a).

In view of the improper citizenship listed on the declaration, the petitions are dismissed for failure to comply with 37 CFR 1.48(a)(3) as the declaration submitted fails to comply with 37 CFR 1.63 and 1.64.

As the instant petition is being treated as a petition under 37 CFR 1.183, the petition fee of $400 set forth in 37 CFR 1.17(f) is required. Petitioner has already paid $200 for consideration of the instant petition. Accordingly, an additional $200 will be charged to petitioners Deposit Account No. 06-1325.

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

MAILED
NOV 24 2010
OFFICE OF PETITIONS

In re Application of :
Richard W. Randlett et al :
Application No. 12/212,039 : ON PETITION
Filed: September 17, 2008 :
Attorney Docket No. EXAR-01021US0 :

This is in response to the request for reconsideration of petitions, filed November 2, 2010 which are being treated as petitions under 37 CFR 1.183 requesting waiver of the requirements of 37 CFR 1.64, and under 37 CFR 1.48(a) requesting correction of inventorship.

The petitions are **GRANTED.**

Petitioner has shown that the inability to again obtain the signature from the originally signing inventor Richard W. Randlett is, not withstanding the exercise of reasonable care and diligence, due to circumstances beyond his control. Accordingly, the declaration submitted November 2, 2010 will be accepted.

Additionally, 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 Zonggi Hu as an additional inventor.

A corrected filing receipt is enclosed.

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

David Bucci
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
12/212,039	09/17/2008	2819	435	EXAR-01021US0	15	2

CONFIRMATION NO. 9592

CORRECTED FILING RECEIPT

23910
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

OC000000044603386

Date Mailed: 11/24/2010

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)

Richard W. Randlett, Palo Alto, CA;
Zonggi Hu, Fremont, CA;

Assignment For Published Patent Application

EXAR CORPORATION, Fremont, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/212,039**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

GRAY CODE CURRENT MODE ANALOG-TO-DIGITAL CONVERTER

Preliminary Class

341

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

Doc Code: PET.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	12212088
Filing Date	17-Sep-2008
First Named Inventor	Lee-Chung Lu
Art Unit	2825
Examiner Name	STACY WHITMORE
Attorney Docket Number	TSM08-0012
Title	PERFORMANCE-AWARE LOGIC OPERATIONS FOR GENERATING MASKS

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Steven H. Slater/
Name	Steven H. Slater
Registration Number	35361

UNITED STATES 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 28,2011

In re Application of :

Lee-Chung Lu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12212088

Filed : 17-Sep-2008

Attorney Docket No : TSM08-0012

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 28,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2825 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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P.O. Box 1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Application :
Jae-Hong Park et al. :
Application No. 12/212,118 : DECISION ON APPLICATION
Filed: September 17, 2008 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 098888-7261 : .

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed January 25, 2012. Applicant requests that the determination of patent term adjustment be corrected from 552 to 674 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the recent court decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

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

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

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment

and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

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

To the extent that applicant otherwise requests correction of the patent term adjustment at the time of the mailing of the Notice of Allowance, the application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is four hundred fortty (440) days including one hundred twelve for applicant delay. A copy of the updated PALM screen, showing the correct determination, is enclosed.

The instant application for patent term adjustment was timely filed[2] on or before payment of the issue fee.

On October 27, 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 552 days. Applicants state that "the USPTO issued a Notice to File Corrected Application Papers on September 30, 2008. Applicant filed a response to the Notice on April 21, 2009. Thus, Applicant submits that the filing of the reply on April 21, 2009 should have resulted in a reduction of PTA by 112 days.

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

[2] PALM records indicate that the issue fee was paid on January 25, 2012.

Pursuant to 37 CFR 1.704(b), a period of reduction of 112 days should have been entered. 37 CFR 1.704(b) provides that:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, applicants did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice to File Corrected Application Papers mailed September 30, 2008 within the three-month period provided for in 37 CFR 1.704(b). Applicants did not file a complete and proper response until April 21, 2009. Accordingly, a period of reduction of 112 days is being entered for the period beginning on December 31, 2008, the day after the date that is three months after the date of mailing of the Notice, and ending on April 21, 2009, the date applicants' reply was filed.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is FOUR HUNDRED FORTY (440) days (552 days of Office delay reduced by 112 days of applicant delay).

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). 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 of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

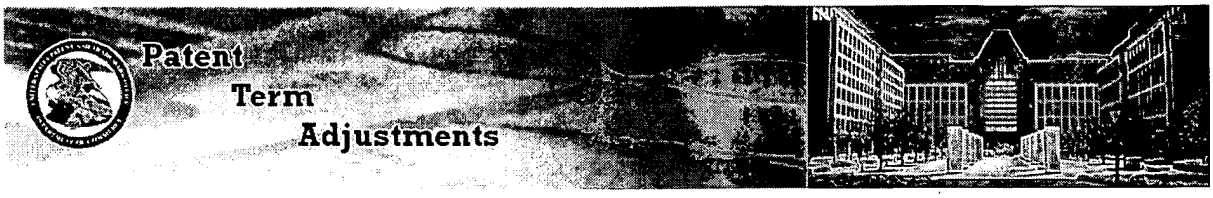
The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12212118 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12212118

Application Filing Date	09/17/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	552
A Delays	552	PTO Manual Adjustment	-112
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	440

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
62	02/04/2012		P028	Adjustment of PTA Calculation by PTO		112	0
48	10/27/2011		MN/=.	Mail Notice of Allowance			0
47	10/25/2011		OAR	Office Action Review			0
46	10/25/2011		OAR	Office Action Review			0
45	10/25/2011		IREV	Issue Revision Completed			0
44	10/21/2011		DVER	Document Verification			0
43	10/21/2011		N/=.	Notice of Allowance Data Verification Completed			0
42	10/20/2011		EX.R	Reasons for Allowance			0
41	10/20/2011		CNTA	Allowability Notice			0
37	08/27/2011		FWDX	Date Forwarded to Examiner			0
36	08/22/2011		A...	Response after Non-Final Action			0
35	07/26/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
34	07/21/2011		OAR	Office Action Review			0
33	07/21/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
32	05/23/2011	11/17/2009	MCTNF	Mail Non-Final Rejection	552		0.5
31	05/23/2011		OAR	Office Action Review			0
30	05/20/2011		CTNF	Non-Final Rejection			0
23	04/05/2011		DOCK	Case Docketed to Examiner in GAU			0
22	12/08/2010		A.PE	Preliminary Amendment			0
21	07/06/2010		DOCK	Case Docketed to Examiner in GAU			0
24	06/28/2010		IDSC	Information Disclosure Statement considered			0
20	06/28/2010		EIDS.	Electronic Information Disclosure Statement			0
19	06/28/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
18	03/16/2010		DOCK	Case Docketed to Examiner in GAU			0
16	08/14/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
15	08/07/2009		C.AD	Correspondence Address Change			0
14	08/06/2009		PG-ISSUE	PG-Pub Issue Notification			0
13	07/15/2009		DOCK	Case Docketed to Examiner in GAU			0
12	05/11/2009		OIPE	Application Dispatched from OIPE			0
11	04/28/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
10	04/28/2009		PGPC	Sent to Classification Contractor			0
9	04/28/2009		FLRCPT.U	Filing Receipt - Updated			0
8	04/21/2009		ADDFLFEE	Additional Application Filing Fees			0
7	04/21/2009		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
6	09/30/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0
5	09/30/2008		CPAP	Corrected Paper			0
4	09/30/2008		FLRCPT.O	Filing Receipt			0
3	09/19/2008		L194	Cleared by OIPE CSR			0
17	09/17/2008		A.PE	Preliminary Amendment			0
2	09/17/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	09/17/2008		IEXX	Initial Exam Team nn			0
0.5	09/17/2008		EFILE	Filing date			0

Export to: Excel

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HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW MA 01106-1700

MAILED

JAN 25 2012

OFFICE OF PETITIONS

In re Application of :
Presz et al. :
Application No. 12/212,166 :
Filed: September 17, 2008 : DECISION ON PETITION
Atty Docket No. 08096P-ORD-002 : UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the PETITION UNDER 37 CFR 1.78(a)(3) filed December 27, 2011, which is properly treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim of priority to provisional application No. 60/994,280.

The petition is **GRANTED**.

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

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

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. The application as filed included an incorrect

claim to a design application. Subsequent to the expiration of the four and sixteen-month periods specified in 37 CFR § 1.78(a)(5)(ii), an amendment correcting the claim to that of provisional application No. 60/994,20 was filed on March 12, 2010. Thus, the instant petition is appropriate. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

The filing date of provisional application no. 60/994,280, for which priority is claimed, is September 18, 2007, which is within twelve months of the filing date of this application filed September 17, 2008.

It is noted that the filing fee was paid in provisional application No. 60/994,280.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed application under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 3641 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 119(e) of the prior-filed application as set forth in the amendment filed March 12, 2010.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/212,166	09/17/2008	3641	1045	08096P-ORD-002	18	4

CONFIRMATION NO. 9837

CORRECTED FILING RECEIPT

27804
HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW, MA 01106-1700

Date Mailed: 01/19/2012

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)

Walter M. Presz JR., Wilbraham, MA;
Michael J. Werle, West Hartford, CT;
Bart Lipkens, Wilbraham, MA;

Power of Attorney:
Donald Holland--29391
Mary Bonzagni--34779

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/994,280 09/18/2007

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: 01/19/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/212,166**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

CONTROLLED-UNAIDED SURGE AND PURGE SUPPRESSORS FOR FIREARM MUZZLES

Preliminary Class

089

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

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MAILED
MAR 16 2012
OFFICE OF PETITIONS

MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

In re Application of	:	DECISION ON PETITION
Hong	:	PURSUANT TO
Application No. 12/212,183	:	37 C.F.R. § 1.181(A)
Filed: September 17, 2008	:	
Attorney Docket No. 10452-REG1/RAD	:	
Title: DISPLACEMENT AWARE OPTICAL PROXIMITY CORRECTION FOR MICROCIRCUIT LAYOUT DESIGNS	:	

This is a decision on the petition filed February 20, 2012, 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 **DISMISSED.**

Receipt of the concurrently submitted issue and publication fees is acknowledged.

BACKGROUND

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 April 29, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on July 30, 2011. A Notice of Abandonment was mailed on August 12, 2011.

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

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** (emphasis added). 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 the Notice of Allowance and Issue Fee Due was not received at the correspondence address of record,[3] that he searched the "paper records and the electronic records" and the Notice of Allowance and Issue Fee Due was not located,[4] and has provided a copy of the master docket for the relevant timeframe.

---

3 Dyer statement of facts, paragraph 6.
4 Id. at 3 and 6.

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

Petitioner has provided a description of the docketing system which is in place, however the description fails to establish that it is sufficiently reliable. More specifically, Petitioner has explained that when Office correspondence is received, the communication is reviewed and any deadline is "entered into our master docket," and the party that is responsible for the application "compares the correspondence with the master docket to ensure that all necessary deadlines have been docketed."[5] However, the petition is silent as to how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this docketing system generate reports that are distributed to the responsible attorneys? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys?

As such, the record does not support a finding that the holding of abandonment should be withdrawn. The petition pursuant to 37 C.F.R. § 1.181 is dismissed accordingly.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

---

5 Id. at 4 and 5.
6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300: please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[10] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

10 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 15 2011

OFFICE OF PETITIONS

Feldman Gale, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

In re Application of :
Rao S. Bezwada :
Application No. 12/212,233 : DECISION ON PETITION
Filed: September 17, 2008 : TO WITHDRAW
Attorney Docket No. 1060.BEZW012U : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Feldman Gale, P.A., has been revoked by the assignee of the patent application on April 1, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Vance Intellectual Property, PC
5467 Hill Top Street
Crozet, VA 22932-3167

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia PA 19103

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Rao S. Bezwada :
Application No. 12/212,293 : DECISION ON PETITION
Filed: September 17, 2008 : TO WITHDRAW
Attorney Docket No. 1060-BEZW0009U : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **APPROVED**.

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

The request was signed by Walter C. Frank on behalf of all attorneys/agents associated with customer number 44338. All attorneys/agents associated with customer number 44338 have been withdrawn.

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Rao S. Bezwada
15-1 Ilene Court
P.O. Box 6357
Hillsborough, NJ 08844

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
12/212,293	09/17/2008	Rao S. Bezwada	1060.BEZW0009U

CONFIRMATION NO. 1056

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

POWER OF ATTORNEY NOTICE

Date Mailed: 03/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/31/2011.

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

/kainabinet/

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

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,517	09/17/2008	Gordon W. Laurie	1036.107US1	1492

7590 02/07/2011

UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE, VA 22902

EXAMINER	
LOCKARD, JON MCCLELLAND	
ART UNIT	**PAPER NUMBER**
1647	
MAIL DATE	**DELIVERY MODE**
02/07/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 4, 2011

UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE VA 22902

In re Application of	:	
Gordon W. Laurie, et al	:	**DECISION ON PETITION**
Application No. 12212517	:	
Filed: 09/17/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **1036.107US1**	:	***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) January 12, 2009.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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

Please enter D.P. 8/17/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re. Appln of:	Cyrus Kurosh Samari	Examiner:	Dov Popovici
Serial No.:	12/212,523	Art Unit:	2625
Filing Date:	September 17, 2008	Confirmation No.	1500
Title:	MEDICAL DATA RECORDING METHOD	Attorney Docket No.:	1116-002-CON1

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

SUPPLEMENTAL AMENDMENT

Dear Sir:

In response to discussions with Examiner Dov Popovici on August 5, 2011, please enter the following amendments.

UNITED STATES 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
755 PAGE MILL RD
PALO ALTO CA 94304-1018

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Wan Pin CHANG, et al :
Application No. 12/212,539 : DECISION ON PETITION
Filed: September 17, 2008 : TO WITHDRAW
Attorney Docket No. 578352002201 : 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 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Jie Zhou on behalf of the attorneys of record associated with Customer No. 25226.

The attorneys of record associated with Customer No. 25226 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 Goodwyn
Petitions Examiner
Office of Petitions

Cc: OKLAHOMA MEDICAL RESEARCH FOUNDATION
825 N.E. 13TH STREET
OKLAHOMA, OK 73104

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
12/212,539	09/17/2008	Wan Pin CHANG	578352002201

CONFIRMATION NO. 1530

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

POWER OF ATTORNEY NOTICE

OC000000043894307

Date Mailed: 10/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2010.

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

/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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,543	09/17/2008	Tatsuro Fujisawa	6639P470	1541

7590 08/05/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
VU, KIM Y	
ART UNIT	PAPER NUMBER
2435	
MAIL DATE	DELIVERY MODE
08/05/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmes

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

MAILED

AUG 03 2010

OFFICE OF PETITIONS

In re Application of :
Cabrera, et al. :
Application No. 12/212,545 : DECISION
Filed: 17 September, 2008 :
Attorney Docket No. 213/172 :

This is a decision on the petition filed on 12 August, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTES:

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

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] *In the event that such an inquiry has not been made, Petitioner* ***must*** *make such an inquiry.*

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

Moreover, Petitioner, as one registered to practice before the Office, is aware that the submission of a request and fee for extension of time is not appropriate after expiration of the statutory period for reply.

It would be helpful if Petitioner would include on his papers his contact information.

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

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

As to the Allegations
of Unintentional Delay

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

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (oath/declaration, surcharge) mailed on 1 October, 2008, with reply due absent extension of time on or before 1 December, 2008.

The application went abandoned by operation of law after midnight 1 December, 2008.

The Office mailed the Notice of Abandonment on 9 June, 2009.

On 12 August, 2009, Petitioner Paul J. Backkofen (Reg. No. 42,278) filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of an oath/declaration with surcharge, and made a statement of unintentional delay.

As noted above:

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

- Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2]

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

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

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

Petitioner, as one registered to practice before the Office, is aware that the submission of a request and fee for extension of time is not appropriate after expiration of the statutory period for reply. The fee is refunded (*via* credit card); should Petitioner later find that the fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

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

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[4]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

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

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

[4] 35 U.S.C. §133 provides:

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

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

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

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.

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

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[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.

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	12212561
Filing Date	17-Sep-2008
First Named Inventor	Scott Frankel
Art Unit	2837
Examiner Name	RINA DUDA
Attorney Docket Number	000095-006500US
Title	METHOD AND APPARATUS OF FAN MOTOR BRAKE

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	/George B.F. Yee/
Name	George B.F. Yee
Registration Number	37478

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 9,2011

In re Application of :

Scott Frankel

Application No : 12212561

Filed : 17-Sep-2008

Attorney Docket No : 000095-006500US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 9,2011 , 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
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SUITE 300
WASHINGTON DC 20005-3960

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Patent No. 7,780,334 :
Issue Date: 24 August, 2010 :
Application No. 12/212,762 : DECISION
Filed/Deposited: 18 September, 2008 :
Attorney Docket No.: 404248

This is a decision on the petition filed on 7 January, 2011, requesting issuance of duplicate Letters Patent for the above-identified patent/application and considered pursuant to 37 C.F.R. §1.182.[1]

The petition is **GRANTED.**

BACKGROUND

Petitioner has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has indicated that the patent was not received[1] and/or cannot be located, and has authorized the charge of fees to a deposit account, previously charged.

The Publishing Division is directed to issue duplicate Letters Patent.

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[1] The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h). [47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

[1] For guidance on the proper showing for an allegation/averment of "non-receipt" Petitioners' attentions always are directed to the Commentary at MPEP §711.03(c)(I).

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

The file is being released to the IFW Repository.

Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ms. Naomi Farmer, RSQ, Fax: 571-270-9753.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s)/inaction.

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

CC:
Ollie Person- Office of Data Management FAX: 571-270-9764
Kimberly Terrell - Office data Management FAX: 571-270-9958

[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.

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	12212771
Filing Date	18-Sep-2008
First Named Inventor	Robert Thibodeau
Art Unit	3746
Examiner Name	ALEXANDER COMLEY
Attorney Docket Number	BTB-004CN
Title	ROTATIONAL APPARATUS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 00959

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	Robert J. Thibodeau
Address	245 East Main Street
City	Gloucester
State	MA
Postal Code	01930
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amy E. Mandragouras/
Name	Amy E. Mandragouras
Registration Number	36207

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 11,2011

In re Application of :

Robert Thibodeau

Application No : 12212771

Filed : 18-Sep-2008

Attorney Docket No : BTB-004CN

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 11,2011

The request is **APPROVED.**

The request was signed by Amy E. Mandragouras (registration no. 36207) on behalf of all attorneys/agents associated with Customer Number 00959 . All attorneys/agents associated with Cusotmer Number 00959 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 Robert J. Thibodeau

Name2

Address 1 245 East Main Street

Address 2

City Gloucester

State MA

Postal Code 01930

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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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON, MA 02021

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of
Chul J. Lee
Application No. 12/212,783
Filed: September 18, 2008
Attorney Docket No. RTN-452PUS

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 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 July 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 regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3662 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
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Alexandria, VA 22313-1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of :
Hack Seob Shin, et al. :
Application No.: 12/212,819 : ON PETITION
Filed: September 18, 2008 :
Attorney Docket No.: 29925/44057 :

This is a decision on the petition, filed September 17, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 16, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2894 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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AVERY N. GOLDSTEIN, PH. D.
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2701 TROY CENTER DRIVE, SUITE 330
POST OFFICE BOX 7021
TROY MI 48007-7021

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Harvey, et al. : DECISION ON PETITION
Application No. 12/212,887 :
Filed/Deposited: 18 September, 2008 :
Attorney Docket No. ITW-10402/04 :

This is a decision on the petition filed on 30 June, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

There appears to have been an attempt to change Counsel and/or firm and/or address, however, in the presence of an assignment there is no certificate present pursuant to 37 C.F.R. §3.73(b).

If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

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

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

There appears to have been a petition filed, however, the proper fee was not submitted.

There does not appear in the petition to have been an authorization to charge a deposit account for any deficiency.

Further, Petitioner appears to have ignored the guidance in the Commentary at MPEP §409.03, and §409.03(a).

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 18 September, 2008.

On 2 October, 2010, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 12 November, 2010, Applicants filed a partially executed oath/declaration, but no petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47.

It does not appear that the Office mailed a Notice of Incomplete Reply.

The Examiner mailed a Requirement for Restriction on 28 March, 2011.

On 30 June, 2011, Petitioner Avery N. Goldstein PhD (Reg. No. 39,204) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, but with insufficient fee and no authorization to charge a deposit account for the deficiency.

The petition fee is jurisdictional.

The Office will not treat the petition substantively without full payment and/or authorization therefore. Thus, Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116). A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded:

- *for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided; and*

- *of the duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.*

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant petition pursuant to 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

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

[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.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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:
PATENT PROCUREMENT SERVICES
3200 COOLIDGE HIGHWAY
SUITE A
BERKLEY, MI 48072

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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AVERY N. GOLDSTEIN, PH. D.
PATENT PROCUREMENT SERVICES
3200 COOLIDGE HIGHWAY
SUITE A
BERKLEY MI 48072

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re Application of
Harvey, et al.
Application No. 12/212,887
Filed/Deposited: 18 September, 2008
Attorney Docket No. ITW-10402/04

DECISION ON PETITION

This is a decision on the petition filed on 15 November, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

There appears to have been a petition filed, however, the proper fee was not submitted and no authorization to charge a deposit account for any deficiency.

Further, Petitioner's averment of joinder of the formerly non-signing inventor does not as yet appear to be supported by a copy of the oath/declaration as required by statute and regulation.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3)

an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 18 September, 2008.

On 2 October, 2010, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 12 November, 2010, Applicants filed a partially executed oath/declaration, but no petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47.

It does not appear that the Office mailed a Notice of Incomplete Reply.

The Examiner mailed a Requirement for Restriction on 28 March, 2011.

On 30 June, 2011, Petitioner Avery N. Goldstein PhD (Reg. No. 39,204) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, but with insufficient fee and no authorization to charge a deposit account for the deficiency. The Office does not treat the petition substantively without full payment and/or authorization therefore. The petition was dismissed on 15 July, 2011.

On 15 November, 2011, Petitioner sought to aver joinder of the formerly non-signing inventor, however, it is noted again that the proper fee never was submitted for the original petition, and no copy of the fully executed oath/declaration was not apparent in the record. Thus, Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in

satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116). A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded:

- *for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided; and*

- *of the duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.*

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition pursuant to 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

---

[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

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AVERY N. GOLDSTEIN, PH. D.
PATENT PROCUREMENT SERVICES
3200 COOLIDGE HIGHWAY
SUITE A
BERKLEY MI 48072

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Harvey, et al. : DECISION ON PETITION
Application No. 12/212,887 :
Filed/Deposited: 18 September, 2008 :
Attorney Docket No. ITW-10402/04 :

This is a decision on the petition filed on 10 January, 2012, pursuant to the regulations at 37 C.F.R. §1.47.

NOTE:

Petitioner has requested withdrawal of the petition pursuant to the regulations at 37 C.F.R. §1.47.

Petitioner averred that he located the formerly non-signing inventor.

However, there Petitioner did not aver joinder and did not provide in evidence of joinder a copy of an oath/declaration executed by the (formerly) non-signing inventor (This missing showing was referenced in the decision of 9 December, 2011, to wit: " *** Petitioner's averment of joinder of the formerly non-signing inventor does not as yet appear to be supported by a copy of the oath/declaration as required by statute and regulation.")

Petitioner must immediately overcome this deficiency.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by

the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 18 September, 2008.

On 2 October, 2010, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 12 November, 2010, Applicants filed a partially executed oath/declaration, but no petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47.

It does not appear that the Office mailed a Notice of Incomplete Reply.

The Examiner mailed a Requirement for Restriction on 28 March, 2011.

On 30 June, 2011, Petitioner Avery N. Goldstein PhD (Reg. No. 39,204) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, but with insufficient fee and no

authorization to charge a deposit account for the deficiency. The Office does not treat the petition substantively without full payment and/or authorization therefore. The petition was dismissed on 15 July, 2011.

On 15 November, 2011, Petitioner sought to aver joinder of the formerly non-signing inventor, however, it is noted again that the proper fee never was submitted for the original petition, and no copy of the fully executed oath/declaration was not apparent in the record. The petition was dismissed on 29 December, 2011.

On 10 January, 2012, Petitioner sought to have the petition withdrawn, however:

- While Petitioner averred that he located the formerly non-signing inventor;

- Petitioner did not aver joinder and did not provide in evidence of that joinder a copy of an oath/declaration executed by the (formerly) non-signing inventor (This missing showing was referenced in the decision of 9 December, 2011, to wit: " *** Petitioner's averment of joinder of the formerly non-signing inventor does not as yet appear to be supported by a copy of the oath/declaration as required by statute and regulation.")

Petitioner must immediately overcome this deficiency.

Thus, Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116). A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded:

- *for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided; and*

- *of the duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.*

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant petition pursuant to 37 C.F.R. §1.47(a) is **dismissed**.

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

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

[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.

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT PROCUREMENT SERVICES
3200 COOLIDGE HIGHWAY
SUITE A
BERKLEY MI 48072

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Harvey, et al. : DECISION ON PETITION
Application No. 12/212,887 :
Filed/Deposited: 18 September, 2008 :
Attorney Docket No. ITW-10402/04 :

This is a decision on the petition filed on 9 February, 2012, pursuant to the regulations at 37 C.F.R. §1.47—Petitioner avers that the original petition was improvidently filed.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 18 September, 2008.

On 2 October, 2010, the Office mailed a Notice of Missing Parts, indicating therein the requirement, *inter alia*, for a fully executed oath/declaration.

On 12 November, 2010, Applicants filed a partially executed oath/declaration, but no petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47.

It does not appear that the Office mailed a Notice of Incomplete Reply.

The Examiner mailed a Requirement for Restriction on 28 March, 2011.

On 30 June, 2011, Petitioner Avery N. Goldstein PhD (Reg. No. 39,204) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, but with insufficient fee and no authorization to charge a deposit account for the deficiency. The Office does not treat the petition substantively without full payment and/or authorization therefore. The petition was dismissed on 15 July, 2011.

On 15 November, 2011, Petitioner sought to aver joinder of the formerly non-signing inventor, however, it is noted again that the proper fee never was submitted for the original petition, and no copy of the fully executed oath/declaration was not apparent in the record. The petition was dismissed on 29 December, 2011.

On 10 January, 2012, Petitioner sought to have the petition withdrawn, however: While Petitioner averred that he located the formerly non-signing inventor; Petitioner did not aver joinder and did not provide in evidence of that joinder a copy of an oath/declaration executed by the (formerly) non-signing inventor (This missing showing was referenced in the decision of 9 December, 2011, to wit: " *** Petitioner's averment of joinder of the formerly non-signing inventor does not as yet appear to be supported by a copy of the oath/declaration as required by statute and regulation.") and the fee had yet to be satisfied. The petition was dismissed on 23 January, 2012.

On 9 February, 2012, Petitioner submitted the previously missing fee (now charged as authorized) and demonstrated that the original petition had been improvidently filed and that the original oath/declaration had been properly filed.

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 is **dismissed as moot**.

In view of the averment that the original petition was improvidently filed and the original executed oath/declaration was properly filed, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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

---

[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:

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/212,934	09/18/2008	Yoshiyuki MORIYA	4243-0145PUS1	1227

2292 7590 03/29/2011

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

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
03/29/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
MORIYA, YOSHIYUKI	:	DECISION ON REQUEST TO
Application No. 12/212,934	:	PARTICIPATE IN PATENT
Filed: September 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 4243-0145PUS1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 01, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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 Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of :
Pfeifer et al. :
Application No. 12/213,007 : LETTER REGARDING
Filed: June 12, 2008 : PATENT TERM ADJUSTMENT
Attorney Docket No. 12593-015-999:
Title: MONOCLONAL ANTIBODY :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed August 26, 2011. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from two hundred and sixty-seven (267) days to two hundred and seventy (270) 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 **two hundred and seventy (270)** 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 May 26, 2011, with an indication that the patent term adjustment to date was 267 days.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[1]

Applicants dispute the period of reduction of 3 day entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR

[1] Petition, page 4.

1.704(b). This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted. Accordingly, the period of reduction of 3 days is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is two hundred and seventy (270) days (296 days of Office delay minus 26 days of Applicant delay).

Receipt 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.

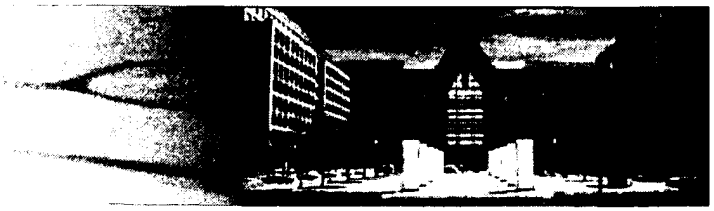
The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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

Patent Term Adjustments



PTA/PTE Information

Application Number*: 12213007 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12213007

Application Filing Date	06/12/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	296
A Delays	296	PTO Manual Adjustment	3
B Delays	0	Applicant Delay (APPL)	29
C Delays	0	Total PTA (days)	270

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
74	09/08/2011		P028	Adjustment of PTA Calculation by PTO	3		0
56	05/26/2011		MN/=.	Mail Notice of Allowance			0
55	05/26/2011		OAR	Office Action Review			0
54	05/26/2011		OAR	Office Action Review			0
53	05/26/2011		N/=.	Notice of Allowance Data Verification Completed			0
52	05/26/2011		DOCK	Case Docketed to Examiner in GAU			0
51	05/24/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
50	05/24/2011		CNTA	Allowability Notice			0
45	03/26/2011		FWDX	Date Forwarded to Examiner			0
49	03/17/2011		IDSC	Information Disclosure Statement considered			0
48	03/17/2011		RCAP	Reference capture on IDS			0
47	03/17/2011	03/17/2011	M844	Information Disclosure Statement (IDS) Filed			44
46	03/17/2011		LET.	Miscellaneous Incoming Letter			0
44	03/17/2011	02/19/2011	A...	Response after Non-Final Action		26	41
43	03/17/2011		XT/G	Request for Extension of Time - Granted			0
42	03/17/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
41	11/19/2010		MCTNF	Mail Non-Final Rejection			0
40	11/17/2010		CTNF	Non-Final Rejection			0
31	09/08/2010		FWDX	Date Forwarded to Examiner			0
39	09/07/2010		IDSC	Information Disclosure Statement considered			0
34	09/07/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
33	09/07/2010		RCAP	Reference capture on IDS			0
32	09/07/2010	09/07/2010	M844	Information Disclosure Statement (IDS) Filed			30
30	09/07/2010	09/04/2010	ELC.	Response to Election / Restriction Filed		3	28
29	09/07/2010		XT/G	Request for Extension of Time - Granted			0
28	06/04/2010	08/12/2009	MCTRS	Mail Restriction Requirement	296		0.5
27	06/03/2010		CTRS	Restriction/Election Requirement			0
26	05/11/2009		MPTDI-1	Mail-Petition Decision - Dismissed			0
25	05/11/2009		PTDI-1	Petition Decision - Dismissed			0
24	04/29/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
23	04/27/2009		C.AD	Correspondence Address Change			0
22	01/15/2009		PG-ISSUE	PG-Pub Issue Notification			0
21	12/10/2008		DOCK	Case Docketed to Examiner in GAU			0
20	12/10/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
17	11/19/2008		PET.	Petition Entered			0
16	10/21/2008		OIPE	Application Dispatched from OIPE			0
15	10/08/2008		PGPC	Sent to Classification Contractor			0
14	10/08/2008		FLRCPT.U	Filing Receipt - Updated			0
6	10/01/2008		CRFE	CRF Is Good Technically / Entered into Database			0
19	08/28/2008		A.PE	Preliminary Amendment			0
13	08/28/2008		FLFEE	Payment of additional filing fee/Preexam			0
10	08/28/2008		SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in			0
9	08/28/2008		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
8	08/28/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
7	08/28/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
5	06/30/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
4	06/30/2008		FLRCPT.O	Filing Receipt			0
3	06/23/2008		L194	Cleared by OIPE CSR			0
2	06/18/2008		SCAN	IFW Scan & PACR Auto Security Review			0
18	06/12/2008		A.PE	Preliminary Amendment			0
11	06/12/2008		CLAIM	Claim Preliminary Amendment			0
1	06/12/2008		IEXX	Initial Exam Team nn			0
0.5	06/12/2008		EFILE	Filing date			0

Export to: Excel

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DALLAS TX 75380

MAILED

MAR 09 2012

OFFICE OF PETITIONS

In re Patent No. 8,094,747
Issue Date: January 10, 2012
Application No. 12/213,012
Filed: June 12, 2008
Attorney Docket No. 2007.07.008.WS0
(formerly P58483)

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

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)", filed February 24, 2012. Patentee requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 734 to 788 days.

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

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of seven hundred ninety-eight **(798)** days.

On January 10, 2012 the application matured into U.S. Patent No. 8,094,747 with a revised PTA thereon of 734 days. On February 24, 2012, patentee filed the instant request and disputes the reduction of seventy-nine (79) days attributed to patentee for the submission of an IDS filed October 24, 2011and a Declaration Under 37 C.F.R. § 1.132 filed on November 3, 2011, both after the Notice of Allowance was mailed.

The reduction of seventy-nine (79) days pursuant to 37 C.F.R. § 1.704(c)(10) is at issue.

The reduction of 79 days has been found to be incorrect. A review of the application file supports a conclusion that there should not be a reduction for the filing of the Information Disclosure Statement (IDS) on October 24, 2011 as the IDS was filed with a 37 § CFR 1.704(d) certification. Given the filing of the IDS on October 24, 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 10 days for applicant delay is being removed. As it relates to the Declaration Under 37 C.F.R. § 1.132 filed on November 3, 2011, the reduction pursuant to 37 C.F.R. § 1.704(c)(10) is calculated from November 3, 2011 to November 17, 2011 when the Supplemental Notice of Allowability was mailed and is therefore 15 days, not 25 days.

In view thereof, the patent term adjustment indicated in the patent should have been seven hundred ninety-eight **(798)** days.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred ninety-eight (798) 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 : 8,094,747 B2

DATED : January 10, 2012

INVENTOR(S) : Jianzhong Zhang

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 (734) days

Delete the phrase "by 734 days" and insert – by 798 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 19, 2012

In re Application of :

Hajime Kimura

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12213036

Filed : 13-Jun-2008

Attorney Docket No : 0756-8306

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2815 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	12213036
Filing Date	13-Jun-2008
First Named Inventor	Hajime Kimura
Art Unit	2815
Examiner Name	JAY KIM
Attorney Docket Number	0756-8306
Title	SEMICONDUCTOR DEVICE WHEREIN A PROPERTY OF A FIRST SEMICONDUCTOR LAYER IS DIFFERENT FROM A PROPERTY OF A SECOND SEMICONDUCTOR LAYER

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	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285

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	12213074
Filing Date	13-Jun-2008
First Named Inventor	Koichi Nakao
Art Unit	3663
Examiner Name	TUAN TO
Attorney Docket Number	136564
Title	VEHICLE-POSITION-RECOGNITION APPARATUSES, METHODS, AND PROGRAMS

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	/Jesse Collier/
Name	Jesse O. Collier
Registration Number	53839

UNITED STATES 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 6, 2011

In re Application of :

Koichi Nakao

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12213074

Filed : 13-Jun-2008

Attorney Docket No : 136564

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 3663 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : July 13, 2011

Patent No. :7865605
Inventor(s) :Kenneth R. Brown, et al.
Issued :January 4, 2011
Title :CUSTOEMER ACCESS SOLUTIONS ARCHITECTURE
:

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.

Applicants' proposed request to change data from what appears on the Title page of the patent under item (75) is not warranted. With reference to MPEP 605.02, 719.02(b) the printed locality of the inventors address is based on present ownership of the patent when printed.

In view of the forgoing applicants' request is denied. A certificate of correction will issue to correct the remaining errors noted in applicants' request. Any Telephone inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-9005

Eric L. Sophir SNR Denton
US LLP
1301 K Street, N.W. – Suite 600, East Tower
Washington, DC 20005

/ag

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.
12/213,183	06/16/2008	Hideo Matsumura	1254-0333PUS2	9028

2292 7590 05/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
WHISENANT, ETHAN C	
ART UNIT	**PAPER NUMBER**
1634	

NOTIFICATION DATE	DELIVERY MODE
05/13/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 11, 2011

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

In re Application of :
Hideo Matsumura, et al :
Application No. 12213183 :
Filed: 06/16/2008 :
Attorney Docket No. **1254-0333PUS2** :

DECISION ON PETITION

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 16, 2008.

The petition is **DISMISSED.**

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

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

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

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

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

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

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

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.
12/213,183	06/16/2008	Hideo Matsumura	1254-0333PUS2	9028

7590 06/29/2011

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

EXAMINER	
WHISENANT, ETHAN C	

ART UNIT	PAPER NUMBER
1634	

NOTIFICATION DATE	DELIVERY MODE
06/29/2011	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

June 27, 2011

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

In re Application of	:	
Hideo Matsumura et al.	:	**DECISION ON PETITION**
Application No. 12213183	:	
Filed: 06/16/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **1254-0333PUS2**	:	***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 21, 2011.

The petition is **GRANTED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

OPAP
APR 0 4 2011
IAP3
PATENT & TRADEMARK OFFICE

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):
12/213,457	
First Named Inventor:	**Title of Invention:**
Tokahiro YAMADA	LIQUID DISCHARGING HEAD, ...APPARATUS

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

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

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	Date April 4, 2011
Name (Print/Typed) Jeremy S. Howard	Practitioner Registration Number 61,582

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.

OPP
APR 04 2011
PATENT & TRADEMARK OFFICE

Privacy Act Statement

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

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

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

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Yamada et al.	:	
Application No. 12/213,457	:	DECISION ON PETITION
Filed: June 19, 2008	:	
Attorney Docket No. H64-250342/TRK	:	

This is a decision on the request filed April 4, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 20, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

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

This application is being referred to the Technology Center, Art Unit 2853 for re-mailing the Office action of January 20, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7743211**
Ser. No. **12/213522**
Inventor(s) : **FUJIMOTO, KAZUHISA**
Issued : **06/22/2010**
Title : **CLUSTER-TYPE STORAGE SYSTEM AND MANAGING METHOD OF THE CLUSTER-TYPE STORAGE SYSTEM**
Docket No. : **TMIA.0128**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

Hitachi America, Ltd. Intellectual Property Group
1000 Marina Blvd., 5th Floor
Brisbane CA 94005

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HITACHI AMERICA, LTD.
INTELLECTUAL PROPERTY GROUP
1000 MARINA BLVD., 5TH FLOOR
BRISBANE CA 94005

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AUG 09 2011
OFFICE OF PETITIONS

In re Patent No. 7,743,211	:	
Issue Date: June 22, 2010	:	
Application No. 12/213,522	:	ON PETITION
Filed: June 20, 2008	:	
Attorney Docket No. TMIA.0128	:	

This is a decision on the petition filed July 12, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to 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

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.
12/213,529	06/20/2008	Robert M. Leach	38184.03419CON	2323

38647 7590 05/05/2011

MILBANK, TWEED, HADLEY & MCCLOY LLP
INTERNATIONAL SQUARE BUILDING
1850 K STRET, N.W., SUITE 1100
WASHINGTON, DC 20006

EXAMINER	
BROWN, COURTNEY A	

ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
05/05/2011	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 05 2011

MILBANK, TWEED, HADLEY & MCCLOY LLP
INTERNATIONAL SQUARE BUILDING
1850 K STRET, N.W., SUITE 1100
WASHINGTON DC 20006

In re Application of: :
Leach et al. :
Serial No.: 12/213,529 : PETITION DECISION
Filed: June 20, 2008 :
Attorney Docket No.: **38184.03419CON**

This is in response to the petition under 37 CFR § 1.59(b), filed April 18, 2011 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a document containing information subject to a Protective Order submitted to the Patent Office on April 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.

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

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

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

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

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OFFICE OF PETITIONS

Hoffman, Wasson & Gitler, P.C.
Crystal Center 2-Suite 522
2461 South Clark Street
Arlington VA 22202

In re Patent No. 7,680,883 :
Issue Date: March 16, 2010 :
Application No. 12/213,625 : DECISION ON PETITION
Filed: June 23, 2008 :
Attorney Docket No. A-9527.C :

This is a decision on the Petition Under 37 CFR 1.183, filed July 1, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to identify --Webcollage, Inc-- as the correct assignee to the Title Page of the Patent via a Certificate of Correction.

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

Petitioner urges that the present Petition was submitted to identify --Webcollage, Inc., New York, NY (US)-- on the previously submitted PTOL-85B and that such error was the mistake of a clerical error.

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

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

U.S. Patent and Trademark Office assignments records disclose that an assignment *Webcollage, Inc.* was submitted for recordation on June 17, 2010. Therefore, the recorded assignment was **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper.

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

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Hoffman, Wasson & Gitler, P.C.
Crystal Center 2-Suite 522
2461 South Clark Street
Arlington VA 22202

In re Patent No. 7,680,883
Issue Date: March 16, 2010
Application No. 12/213,625
Filed: June 23, 2008
Attorney Docket No. A-9527.C

DECISION ON PETITION

This is a decision on the renewed Request For Reconsideration Of Decision On Petition Dated September 7, 2010, filed October 13, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

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

The petition decision mailed September 7, 2010, dismissed the 37 CFR §3.81(b) petition filed July 1, 2009, because U.S. Patent and Trademark Office assignment records disclose that an assignment *Webcollage, Inc.* was submitted for recordation on June 17, 2010, which was **after the date of issuance of this patent**. The renewed petition noted that the assignment for Application No. 09/592,975 was recorded October 22, 2002 and that the assignment extends to "continuations, divisionals, in-part applications, etc."

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

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,680,883.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: TSEN3117/REF	Patent Number: 7665863
Filing Date (or 371(b) or (f) Date): 2008-06-24	Issue Date: 2010-02-23
First Named Inventor: Wei-Jen Tseng	
Title: LIGHT-EMITTING DIODE AND A FAIRY LIGHT WITH THE LIGHT-EMITTING DIODE	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/	Date 2010-08-20
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

> Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

1. **For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.

2. **For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at http://www.uspto.gov/patents/law/notices/2010.jsp.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

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

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

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

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

Mail Date: 08/26/2010

Applicant	: Wei-Jen Tseng	: DECISION ON REQUEST FOR
Patent Number	: 7665863	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/213,721	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/24/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/213,730	06/24/2008	Kei Nara	137479	3789

7590 10/14/2011

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

EXAMINER	
KIM, PETER B	

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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EXXONMOBILE RESEARCH & ENGINEERING COMPANY
PO BOX 900
1545 ROUTE 22 EAST
ANNADALE, NJ 08801-0900

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Ramesh Varadaraj, et al. :
Application No. 12/213,758 : DECISION ON PETITION
Filed: June 24, 2008 :
Attorney Docket No. 2008EM159 :

This is a decision on the petition, filed June 24, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of September 24, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 24, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on December 21, 2009, which included the following papers: an amendment and attachment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated December 21, 2009, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of September 24, 2009 is hereby **withdrawn** and the application **restored to pending status**.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on June 24, 2010.

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

This application is being referred to Technology Center AU 1797 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Atsushi et al.	:	
Application No. 12/213,783	:	DECISION ON PETITION
Filed: June 24, 2008	:	
Attorney Docket No. 137521	:	

This is a decision on the petition, filed June 25, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed April 15, 2009, which set a one (1) month shortened statutory period for reply.

Petitioner asserts that the Office action dated April 15, 2009 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action. The Office action was returned as undeliverable on April 16, 2009.

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

This application is being referred to the Technology Center technical support staff of Art Unit 2832 for re-mailing the Office action of April 15, 2009. The period for reply will run from the mailing date of the Office action.

Liana Walsh
Petitions Examiner
Office of Petitions

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MAILED

APR 29 2011

OFFICE OF PETITIONS

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

In re Application of :
Swarnal Borthakur, et al. :
Application No. 12/213,836 : DECISION GRANTING PETITION
Filed: June 25, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. M4065.1497/P1497 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2813 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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HANIFY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON DC 20007

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Shinya Okamoto et al	:	
Application No. 12/213,911	:	DECISION GRANTING PETITION
Filed: June 26, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5304-002-US01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 2472 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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January 11, 2011

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of	:	
Krause, Duncan C. C. et al	:	**DECISION ON PETITION**
Application No. 12/214,025	:	
Filed: 06/16/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 222102-1350	:	***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) December 08, 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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J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Dimitre Zahariev Dimitrov :
Application No. 12/214,183 : ON PETITION
Filed: June 16, 2008 :
Attorney Docket No. JCLA27880 :

This is a decision on the petition under 37 CFR 1.182, filed July 15, 2010, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **Zahariev Dimitrov** to **Dimitre Zahariev Dimitrov**.

A petition fee in the amount of $400 is due as set forth in 37 U.S.C. 1.17(f). As authorized, the remaining balance of $270 will be charged to deposit account number 500710.

The application file is being referred to the Office of Data Managment for further processing.

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

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MOSER IP LAW GROUP / VONAGE HOLDINGS CORP.
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Smires et al. :
Application No.: 12/214221 : ON PETITION
Filing or 371(c) Date: 06/16/2008 :
Attorney Docket Number: :
V010 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed March 18, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 17, 2010. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on December 18, 2010. The mailing of this decision precedes the mailing of a Notice of Abandonment.

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

This application is being referred to Technology Center Art Unit 2474 for processing of the response to the Office action filed with the petition in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Ostrow Kaufman LLP
Susan Formicola
The Chrysler Building
405 Lexington Avenue, 62nd Floor
NEW YORK NY 10174

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NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Catherin A. Collison	:	
Application No. 12/214,440	:	DECISION ON PETITION
Filed: June 19, 2008	:	
Attorney Docket No. 046-014-004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 March 5, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 5, 2008. Accordingly, the date of abandonment of this application is March 6, 2009. The Notice of Abandonment was mailed April 1, 2009.

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

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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: 1968 US	Application Number (if known): 12214541	Filing date: 2008-06-19
First Named Inventor: Robert Bono		
Title: EMISSION REDUCTION SYSTEM FOR USE WITH A HEAT RECOVERY STEAM GENERATION 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 for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement of Special Status and Preliminary Amendment

Signature /Stephen J. Driscoll/	Date 02/18/2011
Name (Print/Typed) Stephen J. Driscoll	Registration Number 37564

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 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*.*

[X] *Total of 1 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/214,541	06/19/2008	Robert Bono	1928 US	2280

95567 7590 02/24/2011

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

EXAMINER	
CASAREGOLA, LOUIS J	
ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
02/24/2011	PAPER

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

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

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

In re Application of	:	
BONO, ROBERT et al	:	DECISION ON PETITION
Application No. 12/214,541	:	TO MAKE SPECIAL UNDER
Filed: June 19, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1928US	:	PILOT PROGRAM

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

The petition is **dismissed.**

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

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

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

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

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item #4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed method of maintaining optional temperature for a catalyst section of heat recovery steam generator will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. At least claims 1 and 18 have nothing to do with green technologies.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3741 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Bono et al. Application No.: 12/214,541 Confirmation No.: 2280 Docket No.: 1928 US Filed: June 19, 2008 Title: Emission Reduction System for Use with a Heat Recovery Steam Generation System	Examiner: (Unknown) Art Unit: (not yet available)

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

PETITION FOR RECONSIDERATION

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

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

As required by the Decision, Applicant submits herewith a Statement of Materiality of Claimed Invention to More Efficient Utilization and Conservation of Energy Resources, and Enhancement in Quality of Environment.

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

Respectfully submitted,

Date: March 24, 2011

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

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7872
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Bono et al. Application No.: 12/214,541 Confirmation No.: 2280 Docket No.: 1928 US Filed: June 19, 2008 Title: Emission Reduction System for Use with a Heat Recovery Steam Generation System	Examiner: (Unknown) Art Unit: (not yet available)

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

Statement of Materiality of Claimed Invention to More Efficient Utilization and Conservation of Energy Resources, and Enhancement in Quality of Environment

The claimed invention is related directly to conserving energy resources and enhancing the quality of the environment. Specifically, the claims of the present are directed to a system and method of maintaining an optimal temperature range for a catalyst section in a heat recovery steam generator (HRSG). In a typical installation, the HRSG utilizes heat from a gas turbine exhaust stream, which would otherwise be wasted, thereby improving the overall energy efficiency of the turbine installation. Furthermore, by controlling the temperature in the catalyst section in the HRSG, more efficient selective catalyst reduction (SCR) is achieved, thus reducing the emission of NOx, which are known to contribute to ground-level ozone (smog), acidifying nitrate deposition (acid rain), ozone depletion, and greenhouse effects. The narrow temperature control also facilitates the use of hydrocarbon SCR catalysts, which do not require nitrogenous reducing agents, such as ammonia, which is regarded as toxic. Therefore, the claimed invention not only improves the overall efficiency of a turbine installation, thereby conserving energy resources, but also reduces harmful emissions, thereby enhancing the quality of the environment.

Respectfully submitted,

Date: March 24, 2011

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

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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.
12/214,541	06/19/2008	Robert Bono	1928 US	2280

95567 7590 04/14/2011

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

EXAMINER	
CASAREGOLA, LOUIS J	
ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
04/14/2011	PAPER

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

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

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

In re Application of	:	
BONO, ROBERT et al	:	DECISION ON PETITION
Application No. 12/214,541	:	TO MAKE SPECIAL UNDER
Filed: June 19, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1928US	:	PILOT PROGRAM

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

The petition is granted.

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

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

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

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

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

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

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

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

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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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ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. STEEL TOWER
600 GRANT STREET
PITTSBURGH PA 15219-2788

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of :
Jeffrey A. Matos :
Application No. 12/214663 : ON PETITION
Filing or 371(c) Date: 06/21/2008 :
Attorney Docket Number: :
MATOS 218-KFM :

This Decision is in response to the "Request for Reconsideration on Petition to Designate Earlier Filing Date," filed November 15, 2010, requesting that the present application be accorded a filing date of June 20, 2009, instead of the presently accorded filing date of June 21, 2009, based upon the date of deposit with the United States Postal Service ("U.S.P.S."). In support of this assertion, Applicant files a copy Express Mail Mailing Label No. EH 10 4497 963 US. The petition is properly treated under 37 CFR 1.10(c).

The request for reconsideration of petition is **dismissed**.

Background

Applicant filed a petition February 11, 2011, along with a Declaration of Jeffrey A. Matos, wherein petitioner asserted that the application was deposited with the U.S. Postal Service Building on 32nd Street and Eighth Avenue in New York City on June 20, 2008. In support of this assertion, Applicant filed a copy Express Mail Mailing Label No. EH 10 4497 963 US.

A review of Office records revealed that the Patent Application Transmittal Letter included Express Mail Label No. EH 10 4497 963 US stamped thereon.

Decision on petition mailed April 16, 2010

A Decision dismissing the petition was mailed April 16, 2010. The Decision noted that a review of the Express Mail Mailing Label revealed that it did not show the "date-in," nor did it contain any other official notation by the USPS. See, 37 CFR 1.10(c)(3). Moreover, a review of the USPS.com Track and Confirm for Express Mail Label No. EH10 4497 963US, revealed that "[t]here is no record of this item." As such, Applicant had not shown that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as

shown by the "date-in" on the "Express Mail" mailing label or other official USPS. Applicant had thus failed to comply with the requirements of 37 CFR 1.10(c).

Regarding Applicant's Declaration, the decision noted that in response to objections to the use of affidavits and/or declarations to establish a filing date, the Office indicated that such affidavits or declarations are considered to explain activities that are supported by exhibits (*i.e.*, corroborate evidence). See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2702-03, 1027 *Off. Gaz. Pat. Office* at 27-28. Thus, the Office appropriately requires the submission of corroborative documentary evidence to establish an application filing date.

Pursuant to 37 CFR 1.6, the date of receipt of the application papers remained the filing date accorded the application.

The present request for reconsideration

Applicant files the present request for reconsideration and provides that on June 20, 2008, applicant personally brought an Express Mail envelope containing the present application to the U.S. Post Office Building, and purchased and applied Express Mail postage to an envelope and dropped the envelope in the Express Mail box on June 20, 2008 prior to midnight. Applicant provides further that he applied to this envelope Express Mail Label No. EH 104497963 US. Applicant thereafter received the filing date of June 21, 2008.

In support of the present renewed petition, applicant files declarations of applicant, and of the attorney of record; petitioner herein. Applicant provides, in relevant part, that upon the advice of a United States Postal Service ("USPS") employee, he purchased Express Mail postage from a postage machine, applied the postage to the envelope and deposited the envelope in an Express Mail box at approximately 11:50 p.m. A copy of the Express Mail postage receipt and the Express Mail label No. EM 104497963 US are filed in support of the Declaration. Applicant provides further that he subsequently learned that the application was assigned the filing date of June 21, 2008, with a different Express Mail label No., EH 367423035 US, affixed to the Express Mailing received by this Office.

Applicable Law, Rules and MPEP

Applicant is advised that 37 CFR 1.6, Receipt of correspondence, in relevant part, states that

> (a) Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:
> (1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

> (2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited with the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1]

37 CFR § 1.10, Filing of correspondence by "Express Mail", provides that

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).
> (b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. The

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

> paper(s) or fee(s) that constitute the correspondence should also include the "Express Mail" mailing label number thereon. See paragraphs (c), (d) and (e) of this section.
>
> (c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The MPEP cautions that

> correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearlymarked, and that persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk. (Emphasis supplied).

Analysis

It is again noted that a review of the Express Mail Mailing Label revealed that it did not show the "date-in," nor did it contain any other official notation by the USPS. Applicant has again failed to demonstrate compliance with 37 CFR 1.10(c). As noted supra,

> persons dealing indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care.

Further to this, applicant is advised that waiver of Rule 1.10 is not warranted in this instance. The MPEP 513 provides:

> A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omis-sion considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), aff 'd without opinion, 95 F.3d 1166 (Fed. Cir. 1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent applica-tion not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.).

The Rule requires that "[t]he petition include[] a true copy of the "Express Mail" mailing label showing the "date-in."

Conclusion

Pursuant to 37 CFR 1.6, the date of receipt is the filing date accorded the application.

The petition is dismissed without prejudice. Applicant may file a request for reconsideration of petition and include the requisite showing.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

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

By mail: Director for Patents

PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-15-11 Paper No.: _____

TO SPE OF : ART UNIT 3725

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/214,674 Patent No.: 7673441

CofC mailroom date: 3-8-11

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.

X ☐ **Approved** — **All** changes apply.

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

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

Comments: APPROVED

/Dana Ross/ 3725

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 28,2011

In re Application of :

Edgar Young

Application No : 12214728

Filed : 20-Jun-2008

Attorney Docket No : YOUN-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 April 28,2011

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 Edgar D. Young

Name2

Address 1 P.O. Box 774

Address 2

City Cashiers

State NC

Postal Code 28717

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	12214728
Filing Date	20-Jun-2008
First Named Inventor	Edgar Young
Art Unit	1734
Examiner Name	BRITTANY MARTINEZ
Attorney Docket Number	YOUN-0003
Title	Carbon and fuel production from atmospheric CO2 and H2O by artificial photosynthesis and method of operation thereof

◉ 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(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	Edgar D. Young
Address	P.O. Box 774
City	Cashiers
State	NC
Postal Code	28717
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

WILLIAM T. ENGEL
501 HANKEY FARMS DR.
OAKDALE PA 15071

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Engel, William Thomas	:	
Application No. 12/214,765	:	
Filed: June 23, 2008	:	
Title: Cut Mat	:	

This is in response to petition, filed August 16, 2010, to withdraw the holding of abandonment.

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 8, 2009, the Office mailed a Notice to File Corrected Application Papers (Notice), which set a two month shortened statutory period to reply. The application became abandoned on December 9, 2009, for failure to submit a timely response. On June 17, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the October 2009 Notice.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the October 2009 Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Petitioner has provided an explanation of the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter.

However, petitioner should include any available documentary evidence of the mail received, covering a reasonable period after October 8, 2009, to demonstrate non-receipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of

the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after October 8, 2009; the period when he would have received the Notice.

As petitioner did not submit documentary evidence, the petition to withdraw the holding of abandonment is **dismissed** 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 FAX: (571) 273-8300
Attn: Office of Petitions

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

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

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

WILLIAM T. ENGEL
501 HANKEY FARMS DR.
OAKDALE PA 15071

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Engel, William Thomas	:	
Application No. 12/214,765	:	DECISION ON PETITION
Filed: June 23, 2008	:	
Title: Cut Mat	:	

This is a decision on the renewed petition, filed December 1, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers, mailed October 8, 2009, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 17, 2010.

Petitioner asserts that the Office action dated October 8, 2009 was not received.

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

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

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

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

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

The petition now 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.

Since petitioner has provided the replacement drawings as requested by the Notice, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3724 for 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

William L. Chapin
Law Offices of William L. Chapin
16791 Sea Witch Lane
Huntington Beach CA 92649

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Ellis Neal Shamblin :
Application No. 12/214,778 : DECISION ON PETITION
Filed: June 23, 2008 :
:

This is a decision on the renewed petition, filed June 15, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of June 1, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 2, 2009.

Petitioner states that a timely reply was faxed via certificate of facsimile on August 31, 2009, which included the following papers: an amendment. Petitioner has submitted a copy of the previously faxed correspondence, which bears a certificate of facsimile dated August 31 2009, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of June 1, 2009 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on August 31, 2009.

This application is being referred to Technology Center AU 2832 for appropriate action in the normal course of business on the reply received with petition.

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

HONEYWELL INTERNATIONAL, INC.
PATENT SERVICE GROUP
101 COLUMBIA ROAD
MORRISTOWN, NJ 07962

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :
Karla S. Lemmon :
Application No. 12/214,853 : ON PETITION
Filed: June 23, 2008 :
Attorney Docket No. H0009027-9992

This is a decision on the petition, filed August 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 July 7, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

This matter is being refered 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 amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hollingsworth & Funk, LLC
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120209

DATE : February 09, 2012

TO SPE OF : ART UNIT 3772

SUBJECT : Request for Certificate of Correction on Patent No.: 8,083,701

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:

/PATRICIA BIANCO/
Supervisory Patent Examiner.Art Unit 3772

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ELIAHOU DAYAN
HA'KOUKIA STREET 13/1
RISHON LETZION 75548 IL ISRAEL

MAILED

FEB 16 2012

OFFICE OF PETITIONS

In re Application of :
Hilla Dayan et al. :
Application No. 12/214,882 : ON PETITION
Filed: June 24, 2008 :
Title of Invention: **TO PLAN WORKING HOURS AND CONTROLLING MANPOWER** :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply to the Final Office action mailed July 11, 2011, which set a three (3) month shortened statutory period for reply. A response filed October 7, 2011 did not place the application in condition for Allowance. An Advisory Action was mailed November 25, 2011. A Notice of Appeal was filed December 27, 2011 but without an extension of time and thus the application became abandoned. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The Notice of Appeal filed December 27, 2011 has been entered and made of record.

This matter is being referred to Technology Center 3623 for processing of the Notice of Appeal filed December 27, 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

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.
12/214,908	06/24/2008	Alisa Michnik		3950

72333 7590 10/27/2011

ALISA MICHNIK
YEFIM MICHNIK
23 CLEMSON RD.
CHERRY HILL, NJ 08034

EXAMINER	
STRIMBU, GREGORY J	

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
10/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 2 7 2011

Alisa Michnik
Yefim Michnik
23 Clemson Road
Cherry Hill, NJ 08034

In re Application of :
Michnik et al. :
Application No. 12/214,908 : DECISION ON PETITION
Filed: June 24, 2008 : UNDER 37 CFR §1.181
For: STRAIGHT TRAJECTORY SLIDING :
SHUTTER APPARATUS

This is a decision in response to the Petition to Group Director TC 3600 filed September 23, 2011. Petitioner requests that "the Director to at least extend the payment deadline of 09/28/2011 for three more months."

The petition is **DISMISSED**.

Petitioner asserts that "the prosecution process is delayed inexplicably" and that "a pattern of delaying the prosecution until an additional payment(s) is required, has emerged." A review of the prosecution history shows that a final Office action was mailed June 28, 2011. A first response after final rejection was filed July 6, 2011. The amendment was not entered and a notice to that effect was timely mailed via an Advisory Action on July 19, 2011. A second after final amendment was filed July 21, 2011 which likewise was also not entered and a notice to that effect was timely mailed via a second Advisory Action on August 9, 2011. An interview was conducted on August 17, 2011; a second interview with the applicant was conducted September 7, 2011. A third after final amendment was filed September 13, 2011. The amendment was not entered an a notice to that effect was timely mailed via an Advisory Action on September 26, 2011. A review of the Advisory Actions show that no agreements were made between the applicants and the examiner.

MPEP 713.09 sets forth that normally, one interview after final rejection is permitted and that such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. The examiner has granted applicants two interview after final rejection, with neither of the interviews resulting in disposal of the application or clarification for appeal.

Applicant's assertion of the prosecution process being delayed inexplicably in unsupported by the prosecution history as a review of the file history does not display

any issues that would prevent the applicant from receiving a fair examination of the invention. Nor is there any evidence of any arbitrary or capricious actions on the part of the examiner assigned to examine the application. Accordingly, applicants request for "the Director to at least extend the payment deadline of 09/28/2011 for three more months" is dismissed.

Applicant's period for response continues to run three months from the mailing date of the Final Rejection (i.e., June 28, 2011). The application will be returned to the examiner's rejected docket awaiting a response.

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

Katherine Matecki, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5250

KM/tl: 10/24/11

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.
12/214,908	06/24/2008	Alisa Michnik		3950

72333 7590 11/02/2011

ALISA MICHNIK
YEFIM MICHNIK
23 CLEMSON RD.
CHERRY HILL, NJ 08034

EXAMINER	
STRIMBU, GREGORY J	

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
11/02/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 1 1 2011

Alisa Michnik
Yefim Michnik
23 Clemson Road
Cherry Hill, NJ 08034

In re Application of
Michnik et al.
Application No. 12/214,908
Filed: June 24, 2008
For: STRAIGHT TRAJECTORY SLIDING SHUTTER APPARATUS

DECISION ON PETITION
UNDER 37 CFR §1.181

This is a decision in response to the Petition to Group Director TC 3600 filed September 23, 2011. Petitioner requests that "the Director to at least extend the payment deadline of 09/28/2011 for three more months."

The petition is **DISMISSED**.

Petitioner asserts that "the prosecution process is delayed inexplicably" and that "a pattern of delaying the prosecution until an additional payment(s) is required, has emerged." A review of the prosecution history shows that a final Office action was mailed June 28, 2011. A first response after final rejection was filed July 6, 2011. The amendment was not entered and a notice to that effect was timely mailed via an Advisory Action on July 19, 2011. A second after final amendment was filed July 21, 2011 which likewise was also not entered and a notice to that effect was timely mailed via a second Advisory Action on August 9, 2011. An interview was conducted on August 17, 2011; a second interview with the applicant was conducted September 7, 2011. A third after final amendment was filed September 13, 2011. The amendment was not entered an a notice to that effect was timely mailed via an Advisory Action on September 26, 2011. A review of the Advisory Actions show that no agreements were made between the applicants and the examiner.

MPEP 713.09 sets forth that normally, one interview after final rejection is permitted and that such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. The examiner has granted applicants two interview after final rejection, with neither of the interviews resulting in disposal of the application or clarification for appeal.

Applicant's assertion of the prosecution process being delayed inexplicably in unsupported by the prosecution history as a review of the file history does not display

any issues that would prevent the applicant from receiving a fair examination of the invention. Nor is there any evidence of any arbitrary or capricious actions on the part of the examiner assigned to examine the application. Accordingly, applicants request for "the Director to at least extend the payment deadline of 09/28/2011 for three more months" is dismissed.

Applicant's period for response continues to run three months from the mailing date of the Final Rejection (i.e., June 28, 2011). The application will be returned to the examiner's rejected docket awaiting a response.

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

Katherine Matecki

Katherine Matecki, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5250

KM/tl: 10/24/11

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Thomson Licensing LLC
P.O. Box 5312
Two Independence Way
PRINCETON NJ 08543-5312

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Wilhelm Ernst Riedl et al. :
Application No. 12/214,997 : DECISION ON PETITION
Filed: June 24, 2008 :
Attorney Docket No. PU080042 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 25, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time under the provisions of 37 CFR 1.136(a) were not timely obtained. Accordingly, the application became abandoned on September 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an acceptable declaration (as a Rule 47 status has been granted) along with the surcharge listed in the Notice, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice is accepted as having been unintentionally delayed.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Wilhelm Ernst Riedl et al.	:	
Application No. 12/214,997	:	DECISION ON STATUS
Filed: June 24, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. PU080042	:	
	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 5, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor cannot be found or reached after diligent effort 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 further processing.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

FEB 28 2011

OFFICE OF PETITIONS

Frank Alan Nardelli
5859 Ivy Knoll Court #B
Indianapolis, Indiana 46250 USA

In re Application of
Wilhelm Ernst Riedl ; Joel David Sawaski ; Kent Joseph Nysewander ; Hung Chi Lai; Frank Alan Nardelli
Application No. 12/214,997
Filed: June 24, 2008
For: FULL DUPLEX TELEPHONE SYSTEM EMPLOYING AUTOMATIC LEVEL CONTROL FOR IMPROVED DIGITAL SIGNAL PROCESSING OF AUDIO SIGNALS

Dear Mr. Nardelli:

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 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 Ramesh Krishnamurthy at (571) 272 - 4914. 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).

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: PATRICIA A. VERLANGIERI
Thomson Licensing LLC
P.O. Box 5312
Two Independence Way
PRINCETON NJ 08543-5312

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MICHAEL A. GUTH
2-2905 EAST CLIFF DRIVE
SANTA CRUZ CA 95062

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
BAGHDASARIAN :
Application No. 12/215,041 : NOTICE
Filed: June 23, 2008 :
Attorney Docket No. 1103-US :

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

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mark Levy
HINMAN, HOWARD & KATTELL, LLP
80 Exchange Street
P.O. Box 5250
BINGHAMTON NY 13901

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Benson Chan, et al.	:	
Application No. 12/215,079	:	DECISION ON PETITION
Filed: June 25, 2008	:	
Attorney Docket No. EI-2-08-007	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before June 17, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 17, 2011. Accordingly, the date of abandonment of this application is June 18, 2011. The Notice of Abandonment was mailed July 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) corrected formal drawings , (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Law Office of Alicia Porter
P O Box 72425
Fairbanks AK 99707

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of
Mark Tope
Application No. 12/215,103
Filed: June 24, 2008

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 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 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 March 16, 2010. The Notice of Abandonment was mailed July 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (previously filed on June 23, 2010), (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 $65 extension of time fee submitted with the on June 28, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 3616 for appropriate action by the Examiner in the normal course of business on the reply received.

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

LAW OFFICE OF ALICIA PORTER
P O BOX 72425
FAIRBANKS AK 99707

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark TOPE	:	
Application No. 12/215,103	:	DECISION ON PETITION
Filed: June 24, 2008	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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 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 Alicia Porter on behalf of all attorneys of record who are associated with customer No. 68366. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed December 22, 2010 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MARK TOPE**
P.O. BOX 111325
ANCHORAGE, ALASKA 99511

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 23 2012
OFFICE OF PETITIONS

Ashok Ram Basawapatna
5157 South Boston Street
Greenwood Village CO 80111

In re Application of :
Basawapatna et al. :
Application No. 12/215190 : ON PETITION
Filing or 371(c) Date: 06/25/2008 :
Title of Invention: ENHANCED INTERACTIVE :
ELECTRONIC MEETING SYSTEM :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), February 9, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed July 20, 2011. The Office communication set a one (1) month or 30 day period for reply, whichever was longer. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on August 21, 2011.

Applicant files the present petition and response to the Office communication. 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 a response to the Restriction/Election Requirement[1]; (2) the petition fee; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 2175 for processing of the response 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

[1] The Office notes that the grant of a petition under 37 CFR 1.137 is not a determination that any reply under 37 CFR 1.111 is complete. After revival of the application, the patent examiner may, upon more detailed review, determine that the reply is lacking in some respect. See MPEP 711.03(c)(II)(A)(2)(a).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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POWELL LAW ASSOCIATES, LLC
229 Honey Locust Drive
Avondale, PA 19311-9800

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Teresa Lynn Blacklock	:	
Application No. 12/215,256	:	DECISION ON PETITION
Filed: June 26, 2008	:	TO WITHDRAW
Attorney Docket No. DN 1006-2007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Marvin J. Powell, Esquire 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 Teresa Lynn Blacklock at the address indicated below.

There is an outstanding Office action mailed June 29, 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: **Teresa Lynn Blacklock**
15 Thomas Farm Lane
Landenberg, PA 19350

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
12/215,256	06/26/2008	Teresa Lynn Blacklock	DN 1006-2007

CONFIRMATION NO. 4815

Powell Law Associates, LLC
229 Honey Locust drive
Avondale, PA 19311-9800

POWER OF ATTORNEY NOTICE

OC000000044541483

Date Mailed: 11/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2010.

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

/tsjohnson/

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

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POWELL LAW ASSOCIATES, LLC
229 Honey Locust Drive
Avondale, PA 19311-9800

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Teresa Lynn Blacklock	:	
Application No. 12/215,256	:	DECISION ON PETITION
Filed: June 26, 2008	:	TO WITHDRAW
Attorney Docket No. DN 1006-2007	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Marvin J. Powell, Esquire 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 Teresa Lynn Blacklock at the address indicated below.

There is an outstanding Office action mailed June 29, 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: **Teresa Lynn Blacklock**
15 Thomas Farm Lane
Landenberg, PA 19350

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/215,256	06/26/2008	Teresa Lynn Blacklock	DN 1006-2007

CONFIRMATION NO. 4815

Powell Law Associates, LLC
229 Honey Locust drive
Avondale, PA 19311-9800

POWER OF ATTORNEY NOTICE

OC000000044541483

Date Mailed: 11/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2010.

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

/tsjohnson/

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

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MARVIN POWELL
POWELL LAW ASSOCIATE, LLC
220 HONEY LOCUST DRIVE
AVONDALE, PA 19311--980

MAILED
OCT 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Komon et al.	:	DECISION ON PETITION
Application No. 12/215,326	:	TO WITHDRAW
Filed: June 25, 2008	:	FROM RECORD
Attorney Docket No. 079463.0276	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 27, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

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

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

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

Currently, there is an outstanding Office action mailed July 30, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Baker Botts L.L.P
910 Louisiana Street, One Shell Plaza
HOUSTON TX 77002

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FEB 14 2012

OFFICE OF PETITIONS

IPG PHOTONICS CORPORATION
50 OLD WEBSTER ROAD
OXFORD, MA 01540

In re Application of Samartsev et al. :
Application No. 12/215,363 : Decision on Petition
Filing Date: June 26, 2008 :
Attorney Docket No. IPG-014 :

This is a decision on the petition under 37 CFR 1.137(b) filed January 6, 2012, which requests revival of the application.

The petition is **granted**.

The Office mailed a Notice of Allowance ("Notice A") on September 27, 2011, requiring payment of the issue fee and publication fee. The notice set a non-extendable period for reply of three months.

The Office issued a Notice to File Corrected Application Papers ("Notice B") on October 24, 2011. The notice required the submission of a replacement drawing sheet. The notice set a non-extendable period for reply of two months.

The Office did not receive a timely reply in response to Notice B. As a result, the application became abandoned on December 25, 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, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) the issue fee, the publication fee, and the required replacement drawing, (2) the required petition fee of $18,60, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publications 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

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

AUG 16 2010

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of :
Mario, et al. :DECISION ON APPLICATION
Application No.: 12/215,422 :FOR ADJUSTMENT
Filed: June 27, 2008 :PATENT TERM ADJUTSMENT
Attorney Docket No. 05725.1727-0000 :

This is in response to the "Notice of Possible PTO Error in the Determination of Patent Term Adjustment and Request for Review of Calculation", filed April 2, 2010, which will be treated as a petition under 37 CFR 1.705(b). Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is fifty-one (51) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On February 17, 2010, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 174 days. On April 2 2010, applicants submitted the instant petition. Applicants assert the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed February 17, 2010, is incorrect. Specifically, applicants state that:

> Applicants point out that the Notice to File Missing Parts of Non-Provisional Application was mailed July 23, 2008. The time period between the mailing of the Notice to File Missing Parts of Non-Provisional Application and filing of the additional application filing fees on February 23, 2009, is 123 days past the three month statutory date. Thus, based on Applicants' calculation,

> the period of adjustment of patent term due to Application delay should be 123 days, rather than 0 days as the PTO calculated.

Excerpt from "Notice of Possible PTO Error in the Determination of Patent Term Adjustment and Request for Review of Calculation", filed December 29, 2009, *pages 1-2.*

The application history has been reviewed and it has been determined that applicant should have been assessed a delay under 37 CFR 1.704(b)[1] for filing a reply in excess of the three month period from the July 23, 2008, mailing date of the Notice to File Missing Parts of Non-Provisional Application. On July 23, 2008, a Notice to File Missing Parts of Non-Provisional Application was mailed. On February 23, 2009, applicants filed a response to the Notice to File Missing Parts of Non-Provisional Application. Thus, applicant failed to engage in reasonable efforts to conclude processing or examination of this application. Accordingly, the period of adjustment set forth in § 1.703 should have been reduced under 37 CFR 1.704(b) by 123 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Non-Provisional Application, October 24, 2008, and ending on the date the reply was filed, February 23, 2009. A period of reduction of 123 days will be entered.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is one

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[1] 37 CFR 1.704(b) states:

> 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.

hundred and twenty-three (123) days (174 days of Office delay - 123 days of applicant delay).

Deposit account 06-0916 will be charged $200.00 for the fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

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.

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 specific matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

PALM INTRANET

Day : Thursday
Date: 8/12/2010
Time: 22:57:13

PTA Calculations for Application: 12/215422			
Application Filing Date:	06/27/2008	PTO Delay (PTO):	174
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	51
PTO Delay Adjustment:	-123		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	08/12/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		123	
39	02/17/2010	MAIL NOTICE OF ALLOWANCE	174		-1
38	02/10/2010	ISSUE REVISION COMPLETED			
37	02/10/2010	DOCUMENT VERIFICATION			
36	02/10/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
35	02/09/2010	EXAMINER'S AMENDMENT COMMUNICATION			
34	02/09/2010	NOTICE OF ALLOWABILITY			
33	08/31/2009	REFERENCE CAPTURE ON IDS			
32	08/31/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	08/31/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	04/15/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	08/31/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	06/18/2009	PG-PUB ISSUE NOTIFICATION			
23	06/09/2009	CASE DOCKETED TO EXAMINER IN GAU			
22	06/04/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	04/15/2009	REFERENCE CAPTURE ON IDS			
20	04/15/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	04/15/2009	PRELIMINARY AMENDMENT			
18	02/23/2009	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
17	02/23/2009	CERTIFIED TRANSLATION OF FOREIGN PRIORITY DOCUMENT			
16	02/23/2009	PRELIMINARY AMENDMENT			
15	04/15/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	03/24/2009	APPLICATION DISPATCHED FROM OIPE			
13	03/09/2009	SENT TO CLASSIFICATION CONTRACTOR			
12	03/09/2009	FILING RECEIPT - UPDATED			
11	02/23/2009	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
10	02/23/2009	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	02/23/2009	TRANSLATION OF CLAIMS INTO ENGLISH			
8	02/23/2009	TRANSLATION OF SPECIFICATION INTO ENGLISH			
7	07/23/2008	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
6	07/23/2008	FILING RECEIPT			
5	07/21/2008	CLEARED BY L&R (LARS)			
4	07/21/2008	AUTO REFERRED BY PALM PRE EXAM			
3	07/09/2008	CLEARED BY OIPE CSR			
2	07/02/2008	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/27/2008	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of :
David Wilde, et al. :
Application No. 12/215,435 : ON PETITION
Filed: June 27, 2008 :
Attorney Docket No.: ENCORE-011 :

This is a decision on the petition under 37 CFR 1.182, filed August 26, 2010, to change the order of the names of the inventors. The requisite petition fee has been paid.

The petition is **GRANTED**.

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

The application is being referred to the Office of Data Management to await receipt of the issue and publication fees.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment

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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
12/215,435	06/27/2008	3672	852	ENCORE-011	9	3

CONFIRMATION NO. 5513

CORRECTED FILING RECEIPT

21897
THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

Date Mailed: 10/04/2010

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

Applicant(s)

David Wilde, Houston, TX;
James Shamburger, Spring, TX;

Power of Attorney: The patent practitioners associated with Customer Number 021897

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/215,435**

Projected Publication Date: Not Applicable

Non-Publication Request: No

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

Title

DRILL BIT HAVING THE ABILITY TO DRILL VERTICALLY AND LATERALLY

Preliminary Class

175

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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GALLAGHER & KENNEDY, P. A.
2575 E. CAMELBACK RD. #1100
PHOENIX AZ 85016

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
Jeffrey T. LaBelle et al. :
Application No. 12/215,502 : DECISION ON PETITION
Filed: June 26, 2006 : TO WITHDRAW
Attorney Docket No. 17924-0007 : 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 August 18, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Andrea Stone does not have power of attorney in this patent application. The oath and declaration filed June 26, 2006 appointed attorneys/agents of record. Andrea Stone was not appointed. 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-listed address until otherwise properly notified by the 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

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www.uspto.gov

Gallagher & Kennedy, P.A.
2575 E. Camelback Road, #1100
Phoenix, AZ 85016

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Jeffrey T. LaBelle et al. :
Application No. 12/215,502 : DECISION ON PETITION
Filed: June 26, 2008 : TO WITHDRAW
Attorney Docket No. 17924-0007 : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 1, 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 all attorneys/agents associated with customer number 28529 has been revoked by the inventors 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 Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jack S. Emery, P.A.
P.O. Box 7941
Temple, AZ 85281

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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
12/215,502	06/26/2008	Jeffrey T. LaBelle	17924-0007

CONFIRMATION NO. 6721

28529
GALLAGHER & KENNEDY, P. A.
2575 E. CAMELBACK RD. #1100
PHOENIX, AZ 85016

POWER OF ATTORNEY NOTICE

OC000000044479846

Date Mailed: 11/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of :
McChesney et al. :
Application No. 12/215563 : ON PETITION
Filing or 371(c) Date: 06/26/2008 :
Attorney Docket Number: :
100244-5005US03 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed April 9, 2010.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 1, 2009. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on August 2, 2009. A Notice of Abandonment was mailed November 17, 2009.

The present petition

Applicant files the instant petition and as a reply alleges that a continuing application was filed,

A Grantable Petition Under 37 CFR 1.137(b)

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

As to item (1), a reply to the non-final Office action is required.

Applicant files the instant petition and as a reply alleges that a continuing application was filed; however, Office records do not indicate that a continuing application of the above-identified application has been filed[1]. Accordingly, the petition is not grantable at this time.

As to item (3), 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional."

Finally, it is noted that Applicant filed a three (3) month extension of time with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the statutory reply period has lapsed, the application becomes abandoned. No extensions of time are available. The application must be revived.

In this instance the Office did not charge the extension of time fee and no refund is due. The petition fee has been charged to petitioner's deposit account.

The petition is dismissed without prejudice. Applicant may file a request for reconsideration of petition and include the necessary statement of unintentional delay, along with the relevant information (Application No., filing date) regarding the continuing application.

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

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

---

[1] Applicant includes a copy of application papers which include, *inter alia*, a Utility Patent Application Transmittal Form, a specification, claims and drawings; a preliminary amendment claiming priority to the present application and an oath/declaration; however, applicant is advised that pursuant to 37 CFR 1.4, "each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies."

Applicant should file the continuing application and file a renewed petition and include the application number and filing date of the continuing application. No new petition fee is required with the renewed petition.

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 24 2010

OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

In re Application of :
McChesney et al. :
Application No. 12/215563 : ON PETITION
Filing or 371(c) Date: 06/26/2008 :
Attorney Docket Number: :
100244-5005US03 :

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed August 30, 2010.

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 May 1, 2009. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on August 2, 2009. A Notice of Abandonment was mailed November 17, 2009.

Applicant files the present petition, and the response, a continuation application, was filed March 7, 2007. The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application; (2) the petition fee; and (3) a proper statement of unintentional delay.

Accordingly, the petition is granted.

This application is being revived for continuity purposes, and is again abandoned in favor of the continuing application, serial no. 12/807309, filed April 9, 2010.

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Ali Zamani	:	DECISION ON PETITION
Application No. 12/215,571	:	TO WITHDRAW
Filed: June 26, 2008	:	FROM RECORD
Attorney Docket No. 103748-0002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2011.

The request is **NOT APPROVED.**

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on March 23, 2011 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and .
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative.

Petitioner's attention is drawn to the Certifications instruction box which states: Check each box below that is factually correct.

With regards to Item (2) petitioner has failed to certify that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative. Petitioner has instead stated that "Informed client that files remain at our office for his convenient pick-up, and we consider the files delivered." Further, petitioner states "Client then confirmed he will call and arrange for pick-up."

Petitioner is required to certify that the client or a duly authorized representative of the client has been delivered all papers and property (including funds) to which the client is entitled.

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 May 17, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of
Ali Zamani
Application No. 12/215,571
Filed: June 26, 2008
Attorney Docket No. 103748-0002

DECISION ON PETITION
TO WITHDRAW FROM RECORD

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Patrick D. Boyd on behalf of all attorneys of record who are associated with Customer Number 35940.

All attorneys/agents associated with the Customer Number 35940 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed May 17, 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: Ali Zamani
613 SW Elderbrook Place
Portland, OR 97225

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.
12/215,595	06/26/2008	Tadashi Kawagoe	4041K-000423/US	5236

7590 08/16/2011

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

EXAMINER	
MAYE, AYUB A	

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

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	12215650
Filing Date	26-Jun-2008
First Named Inventor	Anthony Beavers
Art Unit	3714
Examiner Name	JUSTIN MYHR
Attorney Docket Number	BVRS-0003
Title	System and method of data handling for table games

◉ 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)

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	Anthony Beavers
Address	3832 Claiborne Avenue
City	Shreveport
State	LA
Postal Code	71109

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 : November 14,2011

In re Application of :

Anthony Beavers

Application No : 12215650

Filed : 26-Jun-2008

Attorney Docket No : BVRS-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 November 14,2011

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 Anthony Beavers
Name2
Address 1 3832 Claiborne Avenue
Address 2
City Shreveport
State LA
Postal Code 71109
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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May 19, 2011

Mark J. Cohen, Esq.
Scully, Scott, Murphy & Presser, P.C.
Suite 300
400 Garden City Plaza
Garden City NY 11530

In re Application of	:	
Nicholas Sorge	:	**DECISION ON PETITION**
Application No. 12215724	:	
Filed: 06/30/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **22255**	:	***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 30, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 19, 2011

RICOH/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	:	
M. Dirk Robinson, et al	:	**DECISION ON PETITION**
Application No. 12215742	:	
Filed: 06/27/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **20412-14061**	:	***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 27, 2008.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/215,742	06/27/2008	M. Dirk Robinson	20412-14061	6168

7590 04/21/2011

RICOH/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
JERABEK, KELLY L	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Motoki TSUNOKAWA :
Application No. 12/215,743 : DECISION GRANTING PETITION
Filed: June 30, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SONYJP 3.0-1651** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2162 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Donald E. Weder :
Application No. 12/215,797 : ON PETITION
Filed: June 30, 2008 :
Attorney Docket No. 8404.447 :

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

The application became abandoned for failure to file a timely reply to the final Office action mailed on November 16, 2009. A Notice of Abandonment was mailed May 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the $810 fee and required submission under 37 CFR 1.114; (2) the petition fee of $1,620[1]; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3644 for processing of the RCE and amendment submitted on May 18, 2010.

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] Since an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply, the $1,110 extension of time fee submitted on May 18, 2010 is unnecessary and has been applied towards the $1,620 petition fee.

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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Patent No : 7,965,362 B2
Ser. No. : 12/215,831
Inventor(s) : HsinChieh Huang, et. al.
Issued : June 21, 2011

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
(571) 272-3422 or 703- 756 -1580

Altis law Group, Inc.
Attn: Steven M. Reiss
288 S. Mayo Ave.
City of Industry, CA 91789

ej

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FAN ZHANG
4810 ASHFORD LANE
DUNWOODY GA 30338

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Fan ZHANG	:	
Application No. 12/215,840	:	DECISION ON PETITION
Filed: June 30, 2008	:	
Attorney Docket No. Borrow You Brain	:	

This is in response to the communication, filed August 08, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

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 December 23, 2010, the Office mailed a non-final Office action, which set a three (3) month shortened statutory period to reply. The application became abandoned on March 24, 2011, for failure to submit a timely response to the non-final Office action. On June 29, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the December 23, 2010 Office action. Specifically, petitioner states that he/she never received the Office action mailed December 23, 2010 prior to receiving the Office action mailed June 29, 2011.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the December 23, 2010 Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of

showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of December 23, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after December 23, 2010, to demonstrate nonreceipt of the Notice of non-final Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the non-final Office action was not found. Lastly, petitioner must state that he/she was, in fact, residing at the correspondence address of record for a reasonable time after December 23, 2010; the period when he would have received the Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the non-final Office action mailed December 23, 2010.

Accordingly, absent the required evidence to establish nonreceipt of the non-final Office action, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

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

Further correspondence with respect to this matter should be 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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 2,2011

In re Application of :

Maurizio Festa

Application No : 12215844

Filed : 30-Jun-2008

Attorney Docket No : 10112

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 2,2011

The request is **APPROVED.**

The request was signed by ruben alcoba (registration no. 44499) on behalf of all attorneys/agents associated with Customer Number 54569 . All attorneys/agents associated with Cusotmer Number 54569 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	maurizio sole festa
Name2	
Address 1	1200 West Avenue
Address 2	Apt 717
City	Mlami Beach
State	FL
Postal Code	33139
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	12215844
Filing Date	30-Jun-2008
First Named Inventor	Maurizio Festa
Art Unit	2629
Examiner Name	KIRK HERMANN
Attorney Docket Number	10112
Title	Radio frequency pointing device

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 54569

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	maurizio sole festa
Address	1200 West Avenue Apt 717
City	Mlami Beach
State	FL
Postal Code	33139
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/ruben alcoba/
Name	ruben alcoba
Registration Number	44499

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Dirk ISFORT, et *al.* :
Application No. 12/215,924 : DECISION GRANTING PETITION
Filed: June 30, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **979-386** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 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 February 15, 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 1765 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Tanaka :
Application No. 12/215,968 : DECISION
Filed/Deposited: 1 July, 2008 :
Attorney Docket No. 10921.560US01 :

This is a decision on the papers considered as a petition filed on 1 March,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.

NOTE:

The papers considered as the instant petition were received into the Office of Petitions for determination only at this writing.

Further, the record is silent as to any action (e.g., Status Inquiry) by Petitioner since the filing of the papers considered as the instant petition.

Petitioner appears to have ignored the clear language of the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

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 non-final Office action mailed on 5 August, 2009, with reply due absent extension of time on or before 5 November, 2009.

The application went abandoned by operation of law after midnight 5 November, 2009.

The Office mailed the Notice of Abandonment on 19 February, 2010.

On 1 March, 2010, Petitioner filed, *inter alia*, papers considered here as a petition pursuant to 37 C.F.R. §1.181 in light of Petitioner's averment of timely reply on 5 February, 2010, however, Petitioner did not make a complete showing under the rule. It is noted that the transmittal submitted and averred as of 5 February, 2010, indicates the submission of seven (7) pages plus a one- (1-) page, while the Office indicates the receipt of 9 pages; moreover, there is no statement by the person signing the certificate of transmission (Ms. Melissa Zarns). Thereafter, the record is silent as to any action by Petitioner (e.g., Status Inquiry) as to the matter.

Thus, Petitioner has not completed the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP), and is respectfully requested to do so.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

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37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information

Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

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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.[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]

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[1] *See*: MPEP §711.03(c) (I)(B).

[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 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.))

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**.

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

[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).

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

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[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

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

HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Tanaka :
Application No. 12/215,968 : DECISION
Filed/Deposited: 1 July, 2008 :
Attorney Docket No. 10921.560US01 :

This is a decision on the papers considered as a petition filed on 18 February, 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.

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 non-final Office action mailed on 5 August, 2009, with reply due absent extension of time on or before 5 November, 2009.

The application went abandoned by operation of law after midnight 5 November, 2009.

The Office mailed the Notice of Abandonment on 19 February, 2010.

On 1 March, 2010, Petitioner filed, *inter alia*, papers considered here as a petition pursuant to 37 C.F.R. §1.181 in light of Petitioner's averment of timely reply on 5 February, 2010, however, Petitioner did not make a complete showing under the rule. It is noted that the transmittal

submitted and averred as of 5 February, 2010, indicates the submission of seven (7) pages plus a one- (1-) page, while the Office indicates the receipt of 9 pages; moreover, there is no statement by the person signing the certificate of transmission (Ms. Melissa Zarns). Thereafter, the record is silent as to any action by Petitioner (e.g., Status Inquiry) as to the matter. Because Petitioner did not complete the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP), the petition was dismissed on 14 February, 2011.

On 18 February, 2011, Petitioner—who apparently did not inquire about the matter between the original submission of the petition on 1 March, 2010, and the decision of 14 February, 2011—undertook to overcome the deficiencies in his original petition and provided a showing consistent with the requirements set out in the guidance in the Commentary at MPEP §711.03(c)(I) , and provided complete documents in support, as well as the proper statement by the person who averred to have submitted the materials timely via FAX, Ms. Zarns.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

> ***
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge

basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

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

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[1] *See*: MPEP §711.03(c) (I)(B).

[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).

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]

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 and when it is to be made and supported.

Petitioner appears to have made the showing required.

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[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 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).

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 19 February, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center 2841 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AUin 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[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

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[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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/10/11

TO SPE OF : ART UNIT 3679

SUBJECT : Request for Certificate of Correction for Appl. No.: 12215971 Patent No.: 7934701

CofC mailroom date: 05/06/11

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

Alternatively fax the Director's SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: The 3 identified changes are approved and correct Printer and/or examiner errors.

/Daniel P. Stodola/ 3679

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Daniel P. Stodola/	3679
SPE	Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Gary Solomon et al.
Application No. 12/215,988
Filed: June 30, 2008
Attorney Docket No.: P26718

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 5, 2011 for failure to timely file a reply to the Final Office action mailed February 4, 2011 which set a three (3) month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed August 19, 2011.

The Notice of Appeal filed December 30, 2011, with the instant petition, in response to the Final Office Action, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

This matter is being referred to Technology Center 2182 for processing of the Notice of Appeal.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.PTA.RCAL
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket Number: LINM3030/REF	Patent Number: 7659129
Filing Date (or 371(b) or (f) Date): 2008-06-27	Issue Date: 2010-02-09
First Named Inventor: Ming-Nung Lin	
Title: FABRICATING METHOD FOR QUANTUM DOT OF ACTIVE LAYER OF LED BY NANO-LITHOGRAPHY	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/	Date 2010-08-05
Name (Print/Typed) Thomas J. Moore	Registration Number 28974

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/131 (01-10)
Approved for use through 02/28/2011. OMB 0651-0020
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

> Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of Wyeth (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

1. **For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.

2. **For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at http://www.uspto.gov/patents/law/notices/2010.jsp.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/12/2010

Applicant	: Ming-Nung Lin	: DECISION ON REQUEST FOR
Patent Number	: 7659129	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/216,018	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/27/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **22** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark Gottlieb	:	
Application No. 12/216,053	:	DECISION ON PETITION
Filed: June 27, 2008	:	
Attorney Docket No. 2738-0002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due mailed August 25, 2010. Accordingly, the application became abandoned on November 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810 , and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Alicia Kelley
Petitions Examiner
Office of Petitions

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.
12/216,155	06/30/2008	Yuki Chiba	033082 M 460	6124

441 7590 11/23/2010

SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON, DC 20036

EXAMINER	
AHMED, SHAMIM	

ART UNIT	PAPER NUMBER
1713	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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November 23, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Yuki Chiba	:	PARTICIPATE IN PATENT
Serial No. 12/216,155	:	PROSECUTION HIGHWAY
Filed: June 30, 2008	:	PROGRAM AND
For: METHOD OF MANUFACTURING	:	PETITION TO MAKE SPECIAL
SEMICONDUCTOR DEVICE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 01, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,163	06/30/2008	David F. Sorrells	1744.216000P	5909

26111 7590 03/06/2012

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
NGUYEN, KHIEM D	
ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
03/06/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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March 6, 2012

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
SORRELLS, DAVID F. et al	:	**DECISION ON PETITION**
Application No. 12/216,163	:	
Filed: 06/30/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.1744.216000P	:	***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 30, 2008.

The petition is **GRANTED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date September 21, 2011

Patent No. :7995463
Inventor :Hiroyuki, Honma
Patent Issued :July 2, 2008
Title :TRANSMISSION DEVICE

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.

Inspection of the application for the patent reveals the alleged error pertaining to the Col. 16, 17 and 13 as requested in applicants request for correction as unwarranted. The data in the letters patent with respect to applicants request is considered in accordance with the records within the Patent and Trademark Office. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 and 323of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

In view of the foregoing applicants request in this matter is hereby denied.

To further consider your request regarding this matter, a request for reconsideration filed under 37 CFR 1.323 which includes the required Certificate of Corrrection fee of $100.00 or a reconsideration filing together with documentation in support of applicants request filed under 1.322 should be submitted. Required documentation may include acknowledgement of receipt.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272- 9005

Staas & Halsey LLP
1201 New York Ave. N.W.
7th Flr.
Washington, DC 20005

/arg

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.
12/216,495	07/07/2008	Paul E. Williams	137408	8433

25944 7590 09/27/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HEINRICH, SAMUEL M	
ART UNIT	**PAPER NUMBER**
3742	

NOTIFICATION DATE	DELIVERY MODE
09/27/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
WILLIAMS, PAUL E.		DECISION ON REQUEST TO
Application No. 12/216,495	:	PARTICIPATE IN PATENT
Filed: April 23, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 8781/91785	:	PROGRAM AND PETITION
For: LASER DRILLING COMPONENTS		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 Sep. 19, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #4

An Office action was sent on August 18, 2011. A response was also filed on September 19, 2011. Therefore, the request to participate in the PPH program is deemed moot.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application is being returned to the examiner for examination of claims as filed on September 19, 2011.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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Decision Date : November 7,2011

In re Application of :

Takanobu Sato

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12216521

Filed : 07-Jul-2008

Attorney Docket No : 2008_1165A

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3654 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	12216521
Filing Date	07-Jul-2008
First Named Inventor	Takanobu Sato
Art Unit	3654
Examiner Name	WILLIAM RIVERA
Attorney Docket Number	2008_1165A
Title	CHAIN TENSIONER

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	/Charles R Watts/
Name	Charles R. Watts
Registration Number	33142

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Manuel Escamilla
Damien Escamilla
2698 Whittington Lane
Westlake LA 70669

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Manuel Escamilla, et al.	:	
Application No. 12/216,551	:	DECISION ON PETITION
Filed: July 8, 2008	:	
Attorney Docket No. **3322.01**	:	

This is a decision on the petition, filed August 27, 2010, which is being treated as a petition under 37 CFR 1.8(a), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 13, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before January 13, 2010, or on or before February 13, 2010 with a one month extension of time. The Office mailed a Notice of Abandonment on June 30, 2010.

Petitioner states that a timely reply was transmitted by facsimile on February 3, 2010 which included the following papers: a response to the Office action of October 13, 2009. The papers were received at the USPTO on February 3, 2010. The reply to the Office action was therefore timely filed.

Petitioner should note that the response included with the instant petition is different from the response that was received by USPTO on February 3, 2010.

Failure to timely receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(a), reproduced below:

Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The instant petition satisfies the above requirements of 37 CFR 1.8(a). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of October 13, 2009 is hereby withdrawn and the application restored to pending status.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3728 for appropriate action in the normal course of business on the reply received February 3, 2010.

/Ramesh Krishnamurthy/

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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FLASTER/GREENBERG P.C.
FOUR PENN CENTER
1600 JOHN F. KENNEDY BOULEVARD
2ND FLOOR
PHILADELPHIA PA 19103

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of
Najib Badul
Application No. 12/216,645
Filed: July 7, 2008
Attorney Docket No. T0514.0011/2US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 25, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 26, 2011. A Notice of Abandonment was mailed November 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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 1627 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: Gary D. Colby
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19103

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Date: 10/20/10

Patent No. : 7659795 B2
Ser. No. : 12/216,646
Inventor(s) : **Hikita , et al.**
Issued : **February 9, 2010**
Title : **ANTENNA DUPLEXER AND WIRELESS TERMINAL USING THE SAME**
Docket No. : **T&A-145-02**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

LMN

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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

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APR 15 2011
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In re Patent No. 7,659,795 :
Issue Date: February 9, 2010 :
Application No. 12/216,646 : DECISION ON PETITION
Filed: July 9, 2008 :
Attorney Docket No. T&A-145-02 :

This is a decision on the Request Under 37 CFR §3.81(b) For A Patent To Be Corrected To State The Name Of The Assignee and Request For Certificate Of Correction Applicants' Mistake (37 CFR §1.323), filed November 12, 2010, which is being treated as Petition Under 37 CFR §3.81(b), to identify the correct 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 correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner urges, 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:

"Hitachi, Ltd., Tokyo, (JP)"

to:

--Hitachi Media Electronics Co., Ltd., Mizusawa (JP)--

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 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. 7,659,795.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application of :
Vincent P. Tippmann, Sr., et al. :
Application No.: 12/216,713 : ON PETITION
Filed: July 9, 2008 :
Attorney Docket No.: 4031-0163PUS1 :

This is a decision on the petition, filed March 20, 2012, 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 14, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3742 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OCT 20 2010

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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Patent No. 7,737,509 :
Application No. 12/216,716 :
Filed: July 10, 2008 : ON PETITION
Issued: June 15, 2010 :
Attorney Docket No. NIT-204-07 :

This is a decision on the petition filed September 29, 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**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,728	07/10/2008	Takahiro Ishikawa	01-1718	9919

23400 7590 04/29/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
ISHIKAWA, TAKAHIRO	:	DECISION ON REQUEST TO
Application No. 12/216,728	:	PARTICIPATE IN PATENT
Filed: July 10, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 01-1718	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 31, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must 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 is deficient as follows:

Petitioner has not complied with items 2 and 6 above.

Petitioner has not complied with item 2 in that although a translation of the claims from the JPO application containing the allowable/patentable claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the JPO application No. 2007-203111.

Regarding item 6, while applicant has submitted IDS's listing documents cited by JPO examiner in the JPO office action along with copies of the documents, not all documents have been listed with copies submitted. The submitted IDS's failed to include the document "Japanese Unexamined Patent Application Publication No. 2005-202653" which was also cited by the JPO examiner in the JPO office action. It is noted that applicant did list US publication 2005/0157908 on IDS filed September 24, 2009 with an indication that it corresponds to JP-A-2005-202653. However, the PPH guidelines specifically call for listing the documents cited by the JPO examiner in the JPO office action. Therefore, an IDS listing the document JP 2005-202653 along with a copy of the document is required.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/216,728	07/10/2008	Takahiro Ishikawa	01-1718	9919

23400 7590 05/27/2011

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com

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POSZ LAW GROUP, PLC
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SUITE 101
RESTON VA 20191

In re Application of	:	
ISHIKAWA, TAKAHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/216,728	:	PARTICIPATE IN PATENT
Filed: July 10, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 01-1718	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 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 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 now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of:	:	
Saito et al.	:	DECISION ON REQUEST
Issue Date: 11/03/2009	:	FOR RECALCULATION OF
Application No. 12/216795	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 07/10/2008	:	
Attorney Docket No.	:	
08USFP1919-T.T.	:	

This is in response to the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH," filed April 13, 2011. Applicant "requests recalculation of the patent term adjustment (PTA) under 35 U.S.C. 154(b) indicated on the above-identified patent."

The request is **DISMISSED**.

Applicant's are advised that § 1.705(b) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the notice of allowance. See, § 1.702-1.705. (Emphasis added). Moreover, § 1.705(b) provides that:

> An application for patent term adjustment under this section must be filed no later than the payment of the issue fee but may not be filed earlier than the date of mailing of the notice of allowance. An application for patent term adjustment under this section must be accompanied by:
>
> (1) The fee set forth in § 1.18(e) ...

The instant application for patent term adjustment was filed after the mailing of the notice of allowance, but after payment of the issue fee. Thus, the application for patent term adjustment was untimely filed. In addition, neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the application for patent term adjustment. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under §1.18(e).

However, with respect to Office delay in taking more than 3 years to issue the patent, rather than file the request for reconsideration of Patent Term Adjustment 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 pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, 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.

The Office of Data Management has been advised of this decision and directed to go forward with processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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P.O. BOX 359
APPLETON WI 54912-0359

In re Application of: DIHORA, et al.	:	
U.S. Application No.: 12/216,941	:	
Filing Date: July 14, 2008	:	
Attorney's Docket No.: 6606	:	DECISION
For: BENEFIT AGENT CONTAINING DELIVERY PARTICLE	:	

This decision is issued in response to applicant's "PETITION UNDER 37 C.F.R. 1.182 " filed May 10, 2011 in the United States Patent and Trademark Office (USPTO). Applicant requests that the present application be treated as a U.S. National Phase of PCT/US2007/003930 filed under 35 U.S.C. 371.

BACKGROUND

On February 15, 2007, applicant filed international application PCT/US2007/003930 which claimed a priority date of February 28, 2006. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., August 28, 2008.

On July 14, 2008, applicant initiated the present application by filing papers in the USPTO including a specification, claims, abstract, executed declaration of the inventors and $1070 in fees paid. In addition, applicant utilized a Form PTO/SB/05 "Utility Patent Application Transmittal" form. Accordingly, the application was processed by the USPTO as a filing under 35 U.S.C. 111(a).

On July 30, 2008, applicant was mailed an official filing receipt.

On May 11, 2011, applicant filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must

clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)....A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application.

Since the application is being treated as a filing under 35 U.S.C. 111(a), applicants have not properly claimed benefit of the international application in accordance with 35 U.S.C. 120 and 37 CFR 1.78(a) and, the instant application cannot be considered as a continuing application of PCT/US2007/003930. In order to claim benefit under 35 U.S.C. 120 to the prior-filed PCT application at this point, applicants must file a petition under 37 CFR 1.78.

CONCLUSION

The petition to convert the application to a filing under 35 U.S.C. 371 is **DISMISSED** without prejudice. The present application was properly treated by the USPTO as a filing under 35 U.S.C. 111(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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APPLETON WI 54912-0359

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SEP 29 2011

PCT LEGAL ADMINISTRATION

In re Application of: DIHORA, et al.	:	
U.S. Application No.: 12/216,941	:	
Filing Date: July 14, 2008	:	DECISION ON PETITIONS
Attorney's Docket No.: 6606	:	UNDER 37 CFR 1.78(a)(3)
For: BENEFIT AGENT CONTAINING DELIVERY PARTICLE	:	AND 37 CFR 1.78(a)(6)
	:	

This is a decision on the "PETITION UNDER 37 C.F.R. 1.78" filed 01 August 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed international and provisional applications identified in the amended specification filed 01 August 2011. As authorized payment of the petition fee will be taken from deposit account number 01-2210.

The petitions are **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(I) and 1.78(a)(5)(I) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above.

The amendment as written does not comply with 37 CFR 1.78(a)(2) in that it does not contain a specific reference identifying the relationship to the prior applications (i.e. "Continuation" or "Divisional"). The presently submitted amendment merely states that: "This application claims benefit under 35 U.S.C. § 120 and 365(c)..." As shown above, this is improper.

In addition, the amendment as written contained an additional defect as it fails to identify the intermediate application. As detailed in the Manual of Patent Examining Procedure (MPEP) section 201.11:

> Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper.
> A benefit claim that merely states "this application claims the benefit of nonprovisional Application Nos. C and B, and provisional Application No. A" would be improper.

Accordingly, before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and a substitute amendment[1] or supplemental ADS (37 CFR 1.76) correcting the filing date information is required.

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[1] *Note* 37 CFR 1.121

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

In re Application of: DIHORA, et al.
U.S. Application No.: 12/216,941
Filing Date: July 14, 2008
Attorney's Docket No.: 6606
For: BENEFIT AGENT CONTAINING DELIVERY PARTICLE

DECISION ON PETITIONS UNDER 37 CFR 1.78(a)(3) AND 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and (a)(6) filed 06 October 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed international application and provisional applications.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(I) and 1.78(a)(5)(I) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Applicant previously satisfied items 2 and 3.

The renewed petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in an amendment to the first sentence of the specification, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii)[1]. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the renewed petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294. 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 1616 for appropriate action on the amendment submitted October 06, 2011, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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[1]It is noted that the Supplemental Application Data Sheet which also accompanied the renewed petition was not signed.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 5, 2010

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/216995 Patent No.: 7672547

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Magdalene Talley

Certificates of Correction Branch
(571)272-0XXX

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The Request for Certificate of Correction to correct the misprinted of claim 13.

_____ **SPE** /UYEN-CHAU N. LE/ **Art Unit** 2874

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Patent Law Agency, LLC
PETER GANJIAN
3146 North Verdugo Road
Glendale CA 91208-1665

MAILED
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OFFICE OF PETITIONS

In re Application of :
Alexandre Do Canto Zago et al. :
Application No. 12/217,028 : ON PETITION
Filed: July 1, 2008 :
Attorney Docket No. APEX-2US :
For: PHARMACEUTICALS COMPOSITIONS CONTAINING NANOMATERIALS USEFUL FOR TREATING RESTENOTIC LESIONS

This is a decision on the petition, filed April 26, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The Rule 137(b) petition is signed by Alexandre Do Canto Zago. Alexandre Do Canto Zago has not provided an attorney registration number and a review of Office records does not reveal that a person named Alexandre Do Canto Zago has been assigned a registration number. Alexandre Do Canto Zago has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Alexandre Do Canto Zago has not established that he is permitted to file amendments and other papers in this application on his own. It is noted that he is one of two joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Alexandre Do Canto Zago's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on

behalf of the assignee (the person authorized to act on behalf of the assignee should be Alexandre Do Canto Zago and in this manner, the signature on instant petition will be ratified); (c) submit another copy of the petition signed by both inventors, or (d) submit a copy of the petition signed by a registered practitioner.

Petitioners have appointed a representative to conduct all business before the U.S. Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioners and petitioners' representative. A courtesy copy of this decision will be mailed to the address listed on the petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ALEXANDRE DO CANTO ZAGO
PAULO AFONSO MARCAS E PATENTES,
AV. FELIPE NERI 116
PORTO ALEGRE, RIO GRANDE DO SUL, 90440-150
BRAZIL

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JUN 17 2011

OFFICE OF PETITIONS

Patent Law Agency, LLC
PETER GANJIAN
3146 North Verdugo Road
Glendale CA 91208-1665

In re Application of :
Alexandre Do Canto Zago et al. :
Application No. 12/217,028 : ON PETITION
Filed: July 1, 2008 :
Attorney Docket No. APEX-2US :
For: PHARMACEUTICALS COMPOSITIONS CONTAINING NANOMATERIALS USEFUL FOR TREATING RESTENOTIC LESIONS

This is a decision on the renewed petition, filed June 6, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the September 28, 2010 non-final Office action. No response being timely received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on December 29, 2010. A Notice of Abandonment was mailed on April 25, 2011.

Applicants have submitted an amendment in reply to the September 28, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 28, 2010 non-final Office action, and the $81.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center GAU 1612 for consideration of the amendment filed on April 26, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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4417 LANCASTER PIKE
WILMINGTON DE 19805

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OFFICE OF PETITIONS

In re Application of :
Yige Yin :
Application No. 12/217,031 : DECISION ON PETITION
Filed: July 1, 2008 :
Attorney Docket No. AD7629USNA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, April 19, 2010, which set a shortened statutory period for reply of three (3) months. A one month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 13, 2010 (one month after the Advisory Action was mailed on August 12, 2010).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $810, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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 October 22, 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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1764 for appropriate action by the Examiner in the normal course of business on the RCE received October 22, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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DEEPAK MALHOTRA
MALHOTRA LAW FIRM, PLLC
P.O. BOX 1433
SPOKANE WA 99210

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OFFICE OF PETITIONS

In re Application of :
Darryl Matlen :
Application No. 12/217,032 : ON PETITION
Filed: June 30, 2008 :
Attorney Docket No.: MA78 001 :

This is a decision in response to the petition, filed December 13, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 17, 2010. A Notice of Abandonment was mailed on October 21, 2010. On December 13, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 3644 for consideration of the response filed December 13, 2010.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,034	07/01/2008	Hiroyuki Sato	4041J-001480/US	7326

27572 7590 03/30/2011

HARNESS, DICKEY & PIERCE, P.L.C.
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EXAMINER	
FORD, JOHN K	
ART UNIT	**PAPER NUMBER**
3784	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
SATO, HIROYUKI et al	:	DECISION ON REQUEST TO
Application No. 12/217,034	:	PARTICIPATE IN PATENT
Filed: July 1, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001480/US	:	PROGRAM AND PETITION
For: AIR CONDITIONING APPARATUS FOR VEHICLE	:	MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784 and 571-272-6681 for Class 165/202 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/217,036	07/01/2008	Takahisa Fujii	4041J-001479/US	7522

27572 7590 09/14/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
ACEVEDO TORRES, ALEXANDRO	
ART UNIT	**PAPER NUMBER**
3784	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
FUJII, TAKAHISA , et al.	:	DECISION ON REQUEST TO
Application No. 12/217,036	:	PARTICIPATE IN PATENT
Filed: July 01, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. **4041J-001479/US**	:	PROGRAM AND PETITION
For: COOLING APPARATUS USING BRINE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 12, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-4764 for Class 600 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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NIXON PEABODY LLP
401 Ninth Street, N.W.
Suite 900
WASHINGTON DC 20004

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Timothy A. Musgrove et al. :
Application No. 12/217,095 : DECISION ON PETITION
Filed: July 1, 2008 : TO WITHDRAW
Attorney Docket No. **10-348-US-D (cbs001100)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 64313 has been revoked by the applicants of the patent application on September 8, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Reed Smith LLP
P.O. Box 488
Pittsburgh PA 15230

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Alexandria, VA 22313-1450
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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of :
Bradley et al. :
Application No. 12/217,157 :
Filed: July 2, 2008 :
Attorney Dkt No. 41228-503D01US :
For: PYRROLOPYRIDINE-2-CARBOXYLIC ACID AMIDE INHIBITORS OF GLYCOGEN PHOSPHORYLASE :

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR ADJUSTMENT OF PATENT TERM ADJUSTMENT UNDER TO 37 CFR §1.705(b)", filed February 1, 2012. Applicants request that the determination of patent term adjustment be corrected from one hundred twenty-nine (129) days to one hundred thirty-one (131) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment is **GRANTED** to the extent indicated.

Applicants dispute the 2 day reduction for the submission of supplemental response on April 6, 2011. Applicants contend the supplemental response was requested by the examiner thus the 2 day reduction should be removed.

A review of the record shows that the 2 day reduction for the submission of the supplemental response in the form of a terminal disclaimer on April 6, 2011 was not warranted.

37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

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;

In this instance, the submission of the April 6, 2011 supplemental response does not constitute a failure to engage in reasonable efforts to conclude prosecution. Accordingly, the 2 day reduction will be removed.

However, further review of the record shows that an additional reduction pursuant to 37 CFR 1.704 (c)(8) is warranted for the submission of the petition under 37 CFR 1.48 and declaration on November 2, 2011 after the submission of the response to the April 21, 2011 Notice of Allowance. A request for continued examination and an information disclosure statement were submitted on July 20, 2011. Thereafter the petition and declaration were submitted on November 2, 2011.

The 105 day delay is calculated beginning on July 21, 2011 the day after the submission of the response to the Notice of Allowance on July 20, 2011 and ends on November 2, 2011 the day the supplemental reply, in this instance the petition under 37 CFR 1.48 and declaration were submitted. A 105 day reduction will be entered.

Applicants' delay prior to the mailing of the Notice of Allowance is one hundred sixty-four (164) days (59+105). Office delay prior to the mailing of the Notice of Allowance is one hundred ninety (190) days.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is twenty-six (26) 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).

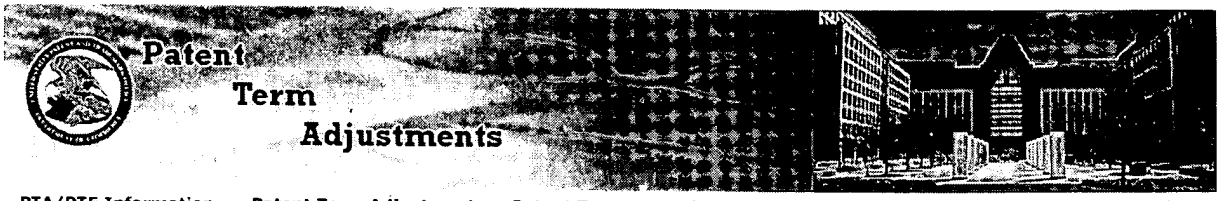
The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12217157 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12217157

Application Filing Date	07/02/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	190
A Delays	190	PTO Manual Adjustment	-103
B Delays	0	Applicant Delay (APPL)	61
C Delays	0	Total PTA (days)	26

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL		Parent Action Number
80	03/11/2012		P028	Adjustment of PTA Calculation by PTO		105	0	
79	03/11/2012		P028	Adjustment of PTA Calculation by PTO	2		0	
70	11/07/2011		MN/=.	Mail Notice of Allowance			0	
69	11/05/2011		OAR	Office Action Review			0	
68	11/05/2011		OAR	Office Action Review			0	
67	11/05/2011		N/=.	Notice of Allowance Data Verification Completed			0	
66	11/05/2011		IREV	Issue Revision Completed			0	
65	11/05/2011		DVER	Document Verification			0	
64	11/02/2011		EX.R	Reasons for Allowance			0	
63	11/02/2011		CNTA	Allowability Notice			0	
56	07/22/2011		ABN9	Disposal for a RCE / CPA / R129			0	
60	07/20/2011		IDSC	Information Disclosure Statement considered			0	
59	07/20/2011		RCAP	Reference capture on IDS			0	
58	07/20/2011		M844	Information Disclosure Statement (IDS) Filed			0	
57	07/20/2011		RCEX	Request for Continued Examination (RCE)			0	
55	07/20/2011		WIDS	Information Disclosure Statement (IDS) Filed			0	
54	07/20/2011		BRCE	Workflow - Request for RCE - Begin			0	
53	06/29/2011		FIDC	Finished Initial Data Capture			0	
52	04/26/2011		EIDC	Export to Initial Data Capture			0	
51	04/21/2011		MN/=.	Mail Notice of Allowance			0	
47	04/20/2011		IREV	Issue Revision Completed			0	
46	04/20/2011		DVER	Document Verification			0	
45	04/20/2011		N/=.	Notice of Allowance Data Verification Completed			0	
38	04/12/2011		PA..	Change in Power of Attorney (May Include Associate POA)			0	
37	04/11/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0	
35	04/07/2011		C.AD	Correspondence Address Change			0	
50	04/06/2011		OAR	Office Action Review			0	
49	04/06/2011		OAR	Office Action Review			0	
48	04/06/2011		OAR	Office Action Review			0	
44	04/06/2011		EX.R	Reasons for Allowance			0	
43	04/06/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0	
42	04/06/2011		CNTA	Allowability Notice			0	
36	04/06/2011	04/04/2011	DIST	Terminal Disclaimer Filed		2	33	
34	04/05/2011		FWDX	Date Forwarded to Examiner			0	
33	04/04/2011	02/04/2011	A.NE	Amendment after Final Rejection		59	31	
32	04/04/2011		XT/G	Request for Extension of Time - Granted			0	
31	11/04/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0	
30	11/03/2010		CTFR	Final Rejection			0	
29	09/28/2010		P575	Paralegal TD Not accepted			0	
26	09/03/2010		FWDX	Date Forwarded to Examiner			0	
28	09/01/2010	09/01/2010	DIST	Terminal Disclaimer Filed			25	
27	09/01/2010		TDP	terminal disclaimer fee paid			0	
25	09/01/2010		A...	Response after Non-Final Action			0	
24	06/04/2010		MCTNF	Mail Non-Final Rejection			0	
23	06/03/2010		CTNF	Non-Final Rejection			0	
19	04/21/2010		FWDX	Date Forwarded to Examiner			0	
18	04/09/2010		ELC.	Response to Election / Restriction Filed			0	
17	03/11/2010	09/02/2009	MCTRS	Mail Restriction Requirement	190		0.5	
16	03/10/2010		CTRS	Restriction/Election Requirement			0	
11	01/22/2009		PG-ISSUE	PG-Pub Issue Notification			0	
10	09/22/2008		DOCK	Case Docketed to Examiner in GAU			0	
9	08/20/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0	
7	08/11/2008		OIPE	Application Dispatched from OIPE			0	
6	07/22/2008		PGPC	Sent to Classification Contractor			0	
5	07/22/2008		FLRCPT.O	Filing Receipt			0	

Best Available Copy

4	07/22/2008	COMP	Application Is Now Complete	0
3	07/14/2008	L194	Cleared by OIPE CSR	0
2	07/11/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	07/03/2008	IEXX	Initial Exam Team nn	0
8	07/02/2008	A.PE	Preliminary Amendment	0
0.5	07/02/2008	EFILE	Filing date	0

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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Stephen Weiss et al.	:	DECISION GRANTING STATUS
Application No. 12/217,159	:	UNDER 37 CFR 1.47(a)
Filed: July 2, 2008	:	
Attorney Docket No. 4110-201U2/[370(1)DIV]	:	

This is in response to the inclusion of a copy of the decision granting a petition under 37 CFR 1.47(a) in the prior application, with the application papers filed in the above-identified application on July 2, 2008, which is being treated as a request to accord 37 CFR 1.47(a) status to the above-identified application. The delay in the response is regretted.

The above-identified application is **granted** status under 37 CFR 1.47(a).

Where status under 37 CFR 1.47 is granted in a first application and the nonsigning inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. Prior Application No. 11/120,214, of which the instant application claims priority benefits under 35 USC 120, was accorded 37 CFR 1.47status.

37 CFR 1.63(d)(3) states:

> *Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:*
>
> *(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an*

oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The above-identified application and papers are now 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), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette[1] since notice regarding the filing of the prior application was given to the nonsigning inventor.

37 CFR 1.63(d)(2) states:

The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

The papers filed July 2, 2008, did not include the statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application. It is noted that the transmittal sheet accompanying the application papers in the instant application includes an indication thereon (see page 1, item 5, the entry captioned "DELETION OF INVENTORS") that a signed statement was attached thereto seeking deletion of inventor(s). However, Office records do not show such a signed statement to have been received. Applicants should note that inventorship is set forth in the oath/declaration and not in an Application Data Sheet (ADS). See 37 CFR 1.76 (d)(3). Accordingly, a corrected Filing Receipt accompanies this decision that includes Mr. Winkler as a joint inventor. Should the applicants desire to remove Mr. Winkler as an inventor from the instant application, a petition under 37 CFR 1.48(a) with the averments requirements thereunder must be submitted along with a petition under 37 CFR 1.183 requesting waiver of the signature of Mr. Sinha in the supplemental declaration required under 37 CFR 1.48(a)(3) and 37 CFR 1.64. The applicants were previously informed of the need for such a petition in the decision granting status under 37 CFR 1.47a in the '214 application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

[1] Note Federal Register, Vol. 65, No. 175; Friday, September 8, 2000.

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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
12/217,159	07/02/2008	3711	1830	4110-201U2/[370(1)DIV]	30	3

CONFIRMATION NO. 7880

CORRECTED FILING RECEIPT

570
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

OC000000045888298

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)

Stephen Nicholas Weiss, Philadelphia, PA;
LaVonne Erick Strand, Folcroft, PA;
Joseph T. Moll, Mount Laurel, NJ;
Vikas Kumar Sinha, Philadelphia, PA;
Justin Discoe, Fort Collins, CO;
David Vincent Helmlinger, Mount Laurel, NJ;
Gregory Nungester, Titusville, NJ;
Frank William Winkler, Mickleton, NJ;
Charles Stewart McCall, San Francisco, CA;
Jesse Dorogusker, Menlo Park, CA;

Assignment For Published Patent Application

Mattel, Inc., El Segundo, CA

Power of Attorney: The patent practitioners associated with Customer Number 000570

Domestic Priority data as claimed by applicant

This application is a DIV of 11/120,214 05/02/2005 PAT 7,758,399
which is a CON of PCT/US2003/034528 10/31/2003
which claims benefit of 60/422,728 10/31/2002

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: 08/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/217,159**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

REMOTE CONTROLLED TOY VEHICLE, TOY VEHICLE CONTROL SYSTEM AND GAME USING REMOTE CONTROLLED TOY VEHICLE

Preliminary Class

446

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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April 19, 2011

LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK NY 10018-3738

In re Application of :
Lee, Jin Woo : **DECISION ON PETITION**
Application No. 12/217,166 :
Filed: 07/02/2008 :
Attorney Docket No. U 017383-7 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 2, 2008.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☑ 3 ☑
A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,166	07/02/2008	Jin Woo Lee	U 017383-7	6846

7590 04/21/2011

LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK, NY 10018-3738

EXAMINER	
ROCCA, JOSEPH M	

ART UNIT	PAPER NUMBER
3616	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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August 12, 2011

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
David S.F. Young et al.	:	**DECISION ON PETITION**
Application No. 12217279	:	
Filed: 7/1/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 24525-0028002	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 1, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

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FISH & RICHARDSON PC (BO)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
NOV 29 2011
OFFICE OF PETITIONS

In re Patent No. 8,017,117	:	DECISION ON
Young, et al.	:	PATENT TERM ADJUSTMENT
Issue Date: September 13, 2011	:	AND NOTICE OF INTENT
Application No. 12/217,279	:	TO ISSUE
Filed: July 1, 2008	:	CERTIFICATE OF
Attorney Docket No. 24525-0028002	:	CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(d)", filed November 10, 2011. Patentees request that the patent term adjustment indicated on the patent be corrected from zero (0) days to one hundred seven (107) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred seven (107)** days.

On September 13, 2011, the above-identified application matured into U.S. Patent No. 8,017,117. Patentees timely filed the instant application for patent term adjustment under 37 CFR 1.705(d) on November 10, 2011. Patentees assert that they should not have been assessed applicant delay of one hundred seventeen (117) days for the submission of a Rule 312 Amendment on May 20, 2011, after the Notice of Allowance was mailed on February 22, 2011. Rather, Patentees assert that they should have only been assessed applicant delay of eight (8) days.

37 CFR 1.704(c)(10) states that applicant delay shall be assessed "beginning on the date the...paper was filed and ending on the mailing date of the Office action or notice in response to the... paper". Here, Applicant filed the Rule 312 Amendment on May 20, 2011, and the Office mailed a response on May 27, 2011. Accordingly, Applicants should have been accorded 8 days of delay for the filing of the Rule 312 Amendment, not 117 days as reflected in PAIR.

In view thereof, the correct determination of PTA at the time of issuance is one hundred seven (107) days (132 days of "A" delay and 74 days of "B" delay, reduced by 99 (91+8) days of applicant delay.

Receipt of the $200.00 fee set forth in 37 CFR §1.18(e) is acknowledged.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred seven (107)** days subject to any disclaimers.

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 : 8,017,117 B2

DATED : **September 13, 2011**

INVENTOR(S) : Young et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days.

Delete the phrase "by 0 days" and insert – by 107 days--

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,281	07/03/2008	John Anderson Armistead		7951

7590 04/01/2011

John A. Armistead
306 East First Avenue
Easley, SC 29640-3064

EXAMINER	
SMITH, RICHARD A	
ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
04/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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John A. Armistead
306 East First Avenue
Easley, SC 29640-3064

In re Application of:	:	
John Armistead	:	DECISION ON PETITION TO THE
Serial No.: 12/217,281	:	DIRECTOR
Filed: July 3, 2008	:	UNDER 37 CFR § 1.181
Docket No.: None	:	
Title of the Invention: Instant Reading Oil Dipstick		

This is a decision on a petition under 37 CFR 1.181, filed on May 14, 2010, requesting that the above-identified application be assigned to a different examiner.

The petition is DENIED.

Petitioner asserts that the proposal to replace applicant's claims with a new set of claims by the examiner lacks formality and questions the sufficiency of the proposed claims.

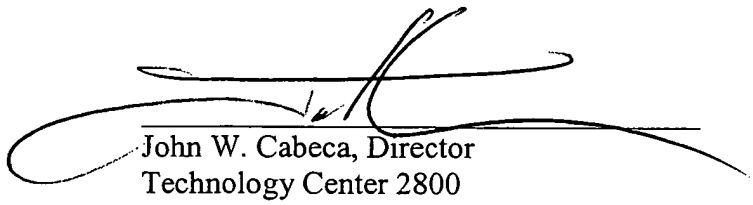
The review of the file record indicates that Examiner apparently contacted applicant and proposed amendments to the claims which applicant believed to be insufficient. Besides the telephone and email communications between the examiner and the applicant, no written Office action on the merits has been issued.

Under current US Patent and Trademark Office policy of compact prosecution, the examiners are encouraged to contact and work with the patent applicants to bring prosecution to a close and pass the application to issue where appropriate. Extra efforts are given when an application is being prosecuted *pro se*. However, not all patent application prosecution results in the application being allowed. Disagreement between an examiner and the applicant on allowable subject matter is not uncommon. When such disagreement occurs, an applicant may appeal any rejections made by the examiner to the Board of Patent Appeals and Interferences and then to the appropriate courts of law, where necessary.

Reassignment of an application to a different examiner may occur where there is evidence that the examiner of record has abused his/her authority and discretion. The record does not indicate that the examiner of record has abused his authority or acted improperly in attempting to bring prosecution to a successful conclusion and a prompt issuance of a patent. The fact that petitioner disagrees with the examiner on the form and content of any proposed claim does not constitute sufficient reason and ground for re-assigning the application to a different examiner.

For the above-stated reason, the petition is denied.

Telephone inquires should be directed to Elvin Enad, Supervisory Patent Examiner, at (571) 272-1990.



John W. Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Patent No. 7,772,497 :
Application No. 12/217,296 :
Filed: July 2, 2008 : ON PETITION
Issued: August 10, 2010 :
Attorney Docket No. 979-387 :

This is a decision on the petition filed October 28, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner requests that the assignee name be corrected on the above-identified patent by adding the additional assignee name of FSP ONE, Pont De Cheruy, France.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

A review of Office database assignment records reflects that an assignment to FSP ONE, Pont De Cheruy, France has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that FSP ONE was the second assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above, **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth** -- FSP ONE -- **, as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Patent No. 7,772,497 :
Application No. 12/217,296 :
Filed: July 2, 2008 : ON PETITION
Issued: August 10, 2010 :
Attorney Docket No. 979-387 :

This is a decision on the renewed petition filed June 29, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Additionally, petitioner has submitted an unnecessary duplicate $130.00 processing fee. This fee will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
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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P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
DUCK WHAN KIM, ET AL. :
Application No. 12/217,330 : DECISION ON PETITION
Filed: July 5, 2008 :
Attorney Docket No. **81528 (51529)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 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 March 1, 2010, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 2, 2010. *See* MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 1793 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.

JoAnne Burke
Petitions Examiner
Office of Petitions

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MAR 28 2011

OFFICE OF PETITIONS

JOHN WILEY HORTON
PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.
P.O. BOX 10095
TALLAHASSEE FL 32302-2095

In re Application of	:	
Thomas C. COOKSEY et al.	:	
Application No. 12/217,387	:	DECISION ON PETITION
Filed: July 03, 2008	:	
Attorney Docket No. **22384-24034**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 04, 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 September 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 11, 2010. Accordingly, the date of abandonment of this application is September 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 $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **JOHN W. HORTON**
PENNINGTON, MOORE, WILKINSON, BELL
& DUNBAR, P. A.
215 S. MONROE ST.
TALLAHASSEE FL 32301

UNITED STATES PATENT AND TRADEMARK OFFICE

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Benjamin Aaron Adler
ADLER & ASSOCIATES
8011 Candle Lane
Houston TX 77071

MAILED

APR 13 2012

OFFICE OF PETITIONS

In re Application of :
Marchitto et al. :
Application No. 12/217,393 : ON PETITION
Filed: July 3, 2008 :
Attorney Docket No. D6868 :
For: DRUG-DELIVERY PATCH COMPRISING A DISSOLVABLE LAYER AND USES THEREOF

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2012, to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action, mailed January 13, 2011, which set an extendable three month period for reply. No extension of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on May 1, 2011. A Notice of Abandonment was mailed on September 6, 2011.

Applicants have submitted a RCE and required $465.00 fee and amendment in reply to the January 31, 2011 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the January 31, 2011 final Office action, and the $930.00 petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 1611 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114..

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,424	07/05/2008	Keming Chen	H0018132-3142	8277

7590 11/23/2010

HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

EXAMINER	
HINSON, RONALD	

ART UNIT	PAPER NUMBER
2832	

NOTIFICATION DATE	DELIVERY MODE
11/23/2010	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

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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November 23, 2010

HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O. Box 2245
Morristown NJ 07962-2245

In re Application of	:	
Keming Chen et al.	:	**DECISION ON PETITION**
Application No. 12217424	:	
Filed: 7/5/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. H0018132-3142	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 5, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of

Boeger, et al.

Application No. 12/217,453

Filed: July 3, 2008

Attorney Docket No. **F-9774**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 13, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on December 26, 2009, after it was believed that no response was received to the non-final Office action mailed September 25, 2009. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on April 27, 2010, indicating that a reply to the non-final Office action was not received.

Petitioner states that an amendment responsive to the non-final Office action was filed on December 28, 2009. The amendment was not found in the Image File Wrapper for the application. However, the petition was accompanied by a copy of the amendment containing a certificate of mailing under 37 CFR 1.8 dated December 28, 2009. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was deposited with the United States Postal Service, first class mail prior to the expiration of the shortened statutory period for reply and the amendment contained a certificate of mailing under 37 CFR 1.8. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to Technology Center GAU 3651 for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARRY HILLAR KULDE
10580 BEL AIR DR.
CHERRY VALLEY CA 92223-5583

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of :
KULDE, Harry H. :
Application No. 12/217,480 : DECISION ON PETITION
Filed: July 07, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Harry Kulde, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Tredelle D. Jackson
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

Decision Date April 20, 2012

In re Application of T. Obidi

Application No. 12217488

Filed: 07-Jul-2008

Attorney Docket No. 1001.286.TO

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 20, 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	12217488
Filing Date	07-Jul-2008
First Named Inventor	T. Obidi
Attorney Docket Number	1001.286.TO
Title	Normal-to-flow thermostat design

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 11-25-2011
- ○ 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	/Adam Bruno/
Name	Adam Bruno
Registration Number	58390

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/217,555	Confirmation Number	9102	Filing Date	2008-07-07
Attorney Docket Number (optional)		Art Unit	3773	Examiner	NIA, ALIREZA
First Named Inventor	David Wuchinich				
Title of Invention	Retractable ultrasonic endoscopic aspirator				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
David	George	Wuchinich	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

(●) (1) I am an inventor in this application and I am 65 years of age, or more.

( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/David Wuchinich/	Date (YYYY-MM-DD)	2011-09-14
Name	David Wuchinich		

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
David George Wuchinich

Application No. 12217555

Filed: July 7,2008

Attorney Docket No.

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBER, KALER, GRIMES & SHRIVER
ROYAL W. CRAIG
SUITE 800
120 EAST BALTIMORE STREET
BALTIMORE, MD 21202-1643

MAILED

SEP 3 0 2010

OFFICE OF PETITIONS

In re Application of :
James Bradford Morris, et al. :
Application No. 12/217,617 :
Filed: July 7, 2008 :
Attorney Docket No.: 027807.077916 :

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) AND
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition, filed August 10, 2010, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. 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 3637 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/217,617	07/07/2008	3637	610	027807.077916	13	2

CONFIRMATION NO. 9109

CORRECTED FILING RECEIPT

Ober, Kaler, Grimes & Shriver
Royal W. Craig
Suite 800
120 East Baltimore Street
Baltimore, MD 21202-1643

Date Mailed: 09/23/2010

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)

James Bradford Morris, Catonsville, MD;
Lisa Beatrice Mears, Catonsville, MD;

Power of Attorney:
Royal Craig--34145

Domestic Priority data as claimed by applicant

This application is a CIP of 11/546,797 10/12/2006 PAT 7,395,939
which claims benefit of 60/725,635 10/13/2005

Foreign Applications

If Required, Foreign Filing License Granted: 07/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/217,617**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Wall-mounted carousel for electric toothbrushes

Preliminary Class

211

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY NY 11797

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Willim :
Application No. 12/217,633 : DECISION ON PETITION
Filed: July 8, 2008 :
Attorney Docket No. 298-405 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 5, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 5, 2010. Accordingly, the date of abandonment of this application is November 6, 2010. A Notice of Abandonment was mailed on November 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for processing into a patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Igor Waysbeyn

Application No : 12217642

Filed : 07-Jul-2008

Attorney Docket No : 029855.0102D1US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED.**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Cusotmer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name HDH MEDICAL LTD.
Name2
Address 1 P.O. BOX 25381
Address 2
City HAIFA
State
Postal Code 31253
Country IL

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	12217642
Filing Date	07-Jul-2008
First Named Inventor	Igor Waysbeyn
Art Unit	3738
Examiner Name	REBECCA STRASZHEIM
Attorney Docket Number	029855.0102D1US
Title	Docking head for connecting vascular device to a vessel

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32042

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(5)

Certifications

☒ 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	HDH MEDICAL LTD.
Address	P.O. BOX 25381
City	HAIFA
State	
Postal Code	31253

Country	IL
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573

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	12217651
Filing Date	07-Jul-2008
First Named Inventor	Igor Waysbeyn
Art Unit	3774
Examiner Name	JONATHAN STROUD
Attorney Docket Number	029855.0102D2US
Title	ANASTOMOSIS METHOD

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32042

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(5)

Certifications

☒ 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	HDH MEDICAL LTD.
Address	P.O. BOX 25381
City	Haifa
State	
Postal Code	31253

Country	IL
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Igor Waysbeyn

Application No : 12217651

Filed : 07-Jul-2008

Attorney Docket No : 029855.0102D2US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED.**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Cusotmer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name HDH MEDICAL LTD.
Name2
Address 1 P.O. BOX 25381
Address 2
City Haifa
State
Postal Code 31253
Country IL

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

Law Offices of Vernon R. Yancy
Suite 1500
3250 Wilshire Blvd.
Los Angeles, CA 90010

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
John McCoy, et. al. :
Application No. 12/217,673 : ON PETITION
Filed: July 9, 2008 :
Attorney Docket No. McCoy – D01 :

This is a decision on the petition filed August 2, 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 application was held abandoned for failure to file a proper reply to the final Office action mailed December 23, 2009. A Notice of Abandonment was mailed on July 20, 2010.

Petitioner asserts "On May 23, 2010, Applicant filed, on-line, an RCE (Request for Continued Examination) with a supporting Amendment After Final Office Action, and paid the RCE fee and a two month late fee ($650 total)."

It is noted that the Electronic Patent Application Fee Transmittal form filed on May 24, 2010 lists $245 for payment of the two month extension of time fee and $405 for payment of the RCE fee. However, the Electronic Acknowledgment Receipt filed on May 24, 2010, does not itemize/contain a file listing of an RCE or a copy of a previously submitted amendment. A review of the written record shows that while petitioner attempted to file the RCE and copy of an amendment on May 24, 2010, the Electronic Acknowledgment Receipt only lists a Fee Worksheet as being filed. Therefore, the record is clear that the RCE and copy of an amendment were mistakenly left out.

In view of the above, the petition is hereby **dismissed**.

Petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810 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.

If petitioner desires to file a petition under 37 CFR 1.137(b), petitioner must complete form PTO/SB/64 and pay the $810 petition fee. A form for filing a petition to revive under the unintentional provisions of 37 CFR 1.137(b) can be found on the USPTO Website at www.uspto.gov.

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).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Offices of Vernon R. Yancy
Suite 1500
3250 Wilshire Blvd.
Los Angeles, CA 90010

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FEB 04 2011

OFFICE OF PETITIONS

In re Application of :
John McCoy, et. al. :
Application No. 12/217,673 : ON PETITION
Filed: July 9, 2008 :
Attorney Docket No. McCoy – D01 :

This is a decision on the renewed petition filed November 29, 2010, to revive the above-identified application.

In response to the decision mailed October 1, 2010, petitioner submits the present renewed petition under 37 CFR 1.137(b). However, a grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810 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.

The present petition lacks item (2) above.

It is noted that petitioner submitted a fee payment of $405 on November 29, 2010. However, a petition under 37 CFR 1.137(b) requires a petition fee of $810. Therefore, the fee deficiency of $405 must be submitted before revival can occur.

In view of the above, the present petition is again **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).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Offices of Vernon R. Yancy
Suite 1500
3250 Wilshire Blvd.
Los Angeles, CA 90010

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SEP 06 2011

OFFICE OF PETITIONS

In re Application of
John McCoy, et. al.
Application No. 12/217,673
Filed: July 9, 2008
Attorney Docket No. McCoy – D01

ON PETITION

This is a decision on the renewed petition, filed August 8, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

A review of the record shows that a final Office action was issued on December 23, 2009, setting a 3-month period for response. On March 26, 2010, a response was filed[1]. However, on May 4, 2010, the examiner issued an Advisory Action stating that the application was not in condition for allowance. Thereafter on May 24, 2010, applicant filed fees, via EFS-Web for the payment for a Request for Continued Examination (RCE) of $405 and an extension of time for two months of $245. On July 20, 2010, a Notice of Abandonment was mailed. In response, on August 2, 2010, a petition to withdraw the holding of abandonment under 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed October 1, 2010. On November 29, 2010, a petition to revive under 37 CFR 1.137(b) was filed, including an RCE and a copy of a previously filed amendment. On February 4, 2011, the petition under 37 CFR 1.137(b) was dismissed. For some unknown reason, on March 2, 2011, a non-final Office action was mailed. The Office action was subsequently vacated by an Office communication dated June 6, 2011. On August 8, 2011, the present petition was filed, including the $405 petition fee deficiency, a copy of the RCE, a copy of a previously filed amendment and $865 for an appropriate extension of time.

Petitioner argues that the extension fee should be refunded since "there is no late applied due to the confusion caused from issuing a non-final Office action after the denial of Applicant's petition." Petitioner explains that "On March 2, 2011, applicant received a non-final Office action for said application. Accordingly, Applicant assumed that the Denied Petition to Revive had been rescinded and the application was again in good standing. Therefore, Applicant did not act on the Office of Petitions' request for additional fee $405. June 6, 2011, Examiner Kenny vacated the non-final Office Action due to the fee issue."

[1] The response contains a Certificate of Mailing under 37 CFR 1.8 dated March 23, 2010.

Petitioner's argument is not persuasive. Petitioner is reminded that since this application was abandoned, the Examiner had no procedural authority with respect to an abandoned application. See Lorenz v. Finkl, 333 F.2d 885, 891, 142 USPQ 26, 30 (CCPA 1964). Since the examiner was without authority to act further in the case absent a grantable petition reviving the application, the Office action mailed March 2, 2011, was vacated.

Further, it is noted that the improper Office action mailed on March 2, 2011, did not restart nor vacate the decision mailed on February 4, 2011; in fact, the Office action did not mention the decision at all. Since the improper Office action of March 2, 2011, was inconsistent with the decision mailed February 4, 2011, petitioner should have promptly filed a request for clarification of the record, since 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. *See* 37 CFR § 1.2.

In view of the decision mailed February 4, 2011, petitioner had 2-months to file a reply. Extensions of time under 37 CFR 1.36 were available. On August 8, 2011, with a certificate of mailing dated August 4, 2011, the balance of the petition fee was filed, including the requisite extension fee. Therefore, since the extension of time was required when filed, petitioner's request for refund of the extension fee is not granted.

Nonetheless, 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[2]; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3633 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the previously submitted amendment.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[2] The $405 RCE fee submitted on May 24, 2010, has been reapplied to the RCE received on November 29, 2011.

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Ron Rosenfeld et al. :
Application No. 12/217,687 : DECISION ON PETITION
Filed: July 8, 2008 :
Attorney Docket No. PTX-0002 C1C1 :
(24123.002)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The 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. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 6, 2010. A Notice of Abandonment was mailed on September 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on October 15, 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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1631 for appropriate action by the Examiner in the normal course of business on the reply received October 15, 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
www.uspto.gov

DENTSPLY INTERNATIONAL INC
570 WEST COLLEGE AVENUE
PO Box 872
YORK PA 17404

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Steck et al.	:	
Application No.: 12/217697	:	DECISION ON
Filing or 371(c) Date: 07/08/2008	:	PETITION
Attorney Docket Number:	:	
RIN-05-001-CON	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed April 6, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed July 28, 2008. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on September 29, 2008. A Notice of Abandonment was mailed April 6, 2009.

Applicant files the present petition and an oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee, and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

It is noted that Applicant filed a three (3) month extension of time with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available. The extension of time fee has been refunded.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision 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

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.
12/217,818	07/08/2008	James S. Harris JR.	S07-169	9901

78118 7590 05/23/2011

Stanford University
1705 EL CAMINO REAL
PALO ALTO, CA 94306

EXAMINER	
GARDNER, SHANNON M	

ART UNIT	PAPER NUMBER
1723	

MAIL DATE	DELIVERY MODE
05/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 2 3 2011

wk

Mailed:
In re application of :
Harris, Jr et al. : DECISION ON
Serial No. 12/217,818 : PETITION
Filed: 07/08/2008 :
For: **GAINNASSB SOLAR CELLS GROWN BY MOLECULAR BEAM EPITAXY**

This is a decision on a PETITION filed February 9, 2011, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that the document entitled "Information Disclosure Statement" dated March 23, 2010 be expunged.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/217,818

The images will be removed from the Official file.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

Andrea S. Blecken
Stanford University
1705 EL CAMINO REAL
PALO ALTO CA 94306

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

October 25, 2011

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

Re Application of
DICKENS, JOSEPH C., Et Al.
Application: **07/09/2008**
Filed: **01/20/2009**
Attorney Docket No: **0121.07**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 9, 2008.

The petition is **GRANTED.**
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Mar-11

DEPARTMENT OF THE AIR FORCE
AFMC LO/JAZ
BLdg 11, Room D18
WRIGHT-PATTERSON AFB OH 45433-7109

MAILED

MAR 30 2011

OFFICE OF PETITIONS

In re Application of :
Holwitt et al. :
Application Number: 12/217,833 : ON PETITION
Filing Date: 07/09/2008 :
Attorney Docket Number: AFD 894 :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 23, 2010, for failure to timely reply to the non-final Office action mailed on February 22, 2010, which set a one (1)-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 October 7, 2010.

Receipt of the amendment filed on February 10, 2010, is acknowledged.

The application is referred to Technology Center Art Unit 1637 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/217,837	07/08/2008	Nir Tasher	0276-027	9768

74917 7590 05/26/2011

ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN, OH 44505

EXAMINER	
SUN, SCOTT C	

ART UNIT	PAPER NUMBER
2182	

MAIL DATE	DELIVERY MODE
05/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN OH 44505

In re Application of: TASHER et al.	)	
Application No.: 12/217,837	)	
Filed: November 10, 2009	)	**DECISION ON PETITION *UNDER 37***
Atty Docket No.: **0276-027**	)	***CFR §1.181***
For: **NON-INTRUSIVE DEBUG PORT INTERFACE**	)	

This is a decision on the petition filed January 3, 2011 under 37 CFR § 1.144 to withdraw Restriction Requirement mailed on June 2, 2010.

A review of the file record indicates that a Notice of Allowance was mailed was mailed on May 16, 2011, which indicates that all pending claims in the application, including claims that were initially restricted out in the Restriction Requirement mailed on June 2, 2010, have been rejoined and allowed in the application by examiner subsequent to the filing of the instant Petition, thus providing the relief sought by Petitioners.

Accordingly, in view of the above stated reason, the instant petition, filed under 37 CFR §1.181 to withdraw Restriction Requirement mailed on June 2, 2010 in this application, is rendered moot.

Accordingly, the petition is **DISMISSED as MOOT**.

The application is being forwarded to the Examiner for action on the merits.

Mano Padmanabhan, WQAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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United States Patent and Trademark Office
P.O. Box 1450
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AUG 05 2010

OFFICE OF PETITIONS

DURIO, MCGOFFIN, STAGG & ACKERMAN
P.O. BOX 51308
LAFAYETTE LA 70505

In re Application of :
Robert P. FANGUY :
Application No. 12/217,845 : DECISION ON PETITION
Filed: July 8, 2008 :
Docket No. 20080708 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 25, 2009, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-3600.

This application is being referred to Technology Center AU 3672 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: WILLIAM W. STAGG
220 HEYMANN BLVD
LAFAYETTE, LA 70503

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	12217902
Filing Date	09-Jul-2008
First Named Inventor	Martin Schone
Art Unit	1649
Examiner Name	CHANG YU WANG
Attorney Docket Number	
Title	Method and system for representing brain activities

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23616

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	Sylvia Lorenz GSK STOCKMANN & KOLLEGEN
Address	AG München PR 533 Mohrenstr. 42
City	Berlin
State	
Postal Code	10117
Country	DE

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/clemcheng/
Name	Clement Cheng
Registration Number	45463

UNITED STATES 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 3,2011

In re Application of :

Martin Schone

Application No : 12217902

Filed : 09-Jul-2008

Attorney Docket No :

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 3,2011

The request is **APPROVED.**

The request was signed by Clement Cheng (registration no. 45463) on behalf of all attorneys/agents associated with Customer Number 23616 . All attorneys/agents associated with Cusotmer Number 23616 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	Sylvia Lorenz
Name2	GSK STOCKMANN & KOLLEGEN
Address 1	AG München PR 533 Mohrenstr. 42
Address 2	
City	Berlin
State	
Postal Code	10117
Country	DE

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date March 30, 2012

In re Application of Matthew Wicks

Application No. 12217926

Filed: 10-Jul-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. FKI P080110US

This is an electronic decision on the petition under 37 CFR 1.137(b), March 30, 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	12217926
Filing Date	10-Jul-2008
First Named Inventor	Matthew Wicks
Attorney Docket Number	FKI P080110US
Title	Object detection device

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

Petition Fee

- ○ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ○ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ○ Applicant(s) status remains as SMALL ENTITY.
- ◉ Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- ◉ Amendment and response are attached

RCE request,submission, and fee.

- ○ I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- ○ RCE Request, Submission, and Fee are attached

Notice of Appeal

○	I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on
○	Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉	An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
○	An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
○	A sole inventor
○	A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
○	A joint inventor; all of whom are signing this e-petition
○	The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Edwin R. Acheson, Jr./
Name	Edwin R. Acheson Jr.
Registration Number	31808

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUANE MORRIS LLP (TSMC)
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of :
Pei Haw Tsao, Pao-Kang Niu, Liang-Chen Lin : DECISION GRANTING STATUS
and I-Tai Liu : UNDER 37 CFR 1.47(a)
Application No. 12/217,949 :
Filed: July 8, 2010 :
Attorney Docket No. N1085-00553 :
TSMC2006-0144 :
For: METHOD FOR FORMING :
SEMICONDUCTOR BALL GRID ARRAY :
PACKAGE :

This is in response to the petition under 37 CFR 1.47(a), filed July 23, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Liu cannot be located to execute the application papers 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.

A review of the record shows that the above-identified application has been abandoned.

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 regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Mark J. Marcelli
Duane Morris LLP
101 West Broadway, Suite 900
San Diego, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

I-Tai Liu
2F, No.9, Lane 1 Dahsin St.
Yung-Ho City, Taipei County
Taiwan R.O.C.
Airmail

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of
Pei Haw Tsao, Pao-Kang Niu, Liang-Chen Lin and I-Tai Liu
Application No. 12/217,949
Filed: July 8, 2010
Attorney Docket No. N1085-00553 TSMC2006-0144
For: METHOD FOR FORMING SEMICONDUCTOR BALL GRID ARRAY PACKAGE

Dear Sir:

You are named as a co-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 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) 272-3215. 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).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: DUANE MORRIS LLP (TSMC)
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CISLO & THOMAS, LLP
1333 2ND SSTREET
SUITE 500
SANTA MONICA, CA 90401-4110

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of
Eric DelaBarre
Application No. 12/217,951
Filed: October 14, 2008
Attorney Docket No. 08-21644

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kristin B. Kosinski on behalf of all attorneys of record who are associated with customer No. 25189. All attorneys/agents associated with the Customer Number 25189 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ERIC DELABARRE
1523 ½ MONTANA AVENUE
SANTA MONICA, CA 90403

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
12/217,951	07/09/2008	Eric DelaBarre	08-21287

CONFIRMATION NO. 9858

POWER OF ATTORNEY NOTICE

25189
Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

MAILED
MAY 052011
OFFICE OF PETITIONS

In re Application of :
Han Rok CHUNG :
Application No. 12/218,064 : DECISION GRANTING PETITION
Filed: July 11, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **8733.2034.00** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2886 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/31/11

TO SPE OF : ART UNIT 1765

SUBJECT : Request for Certificate of Correction for Appl. No.: 12218105 Patent No.: 7790347

CofC mailroom date: 5/26/11

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
[redacted]

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.

PAGE 1/2 * RCVD AT 7/18/2011 3:21:14 PM [Eastern Daylight Time] * SVR:W-PTOFAX-001/42 * DNIS:2733421 * CSID:703 306 3186 * DURATION (mm-ss):00-35

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: _____

_____

_____

_____

_____

/m I Seidel/ 1765

SPE Art Unit

PAGE 2/2 * RCVD AT 7/18/2011 3:21:14 PM [Eastern Daylight Time] * SVR:W-PTOFAX-001/42 * DNIS:2733421 * CSID:703 306 3186 * DURATION (mm-ss):00-35

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 29 2011

OFFICE OF PETITIONS

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

In re Application of	:	
Stephen Craig ARBOGAST et al.	:	DECISION ON PETITION
Application No. 12/218,117	:	TO MAKE SPECIAL UNDER
Filed: July 11, 2008	:	37 CFR 102(c)(1)
Atty. Docket No.: 1532-001	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 3, 2011, to make the above-identified application special based on Applicant's age as set forth in MPEP 708.02, section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement in a declaration by inventor Herbert Nicholas Nigg that he is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1615 for action on the merits commensurate with this decision

Ramesh Krishnamurthy

for 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

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Stephen Craig ARBOGAST et al.	:	DECISION ON PETITION
Application No. 12/218,165	:	TO MAKE SPECIAL UNDER
Filed: July 11, 2008	:	37 CFR 102(c)(1)
Atty. Docket No.: 1532-002	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 3, 2011, to make the above-identified application special based on Applicant's age as set forth in MPEP 708.02, section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement in a declaration by inventor Herbert Nicholas Nigg that he is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1615 for action on the merits commensurate with this decision

for 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

MAILED

MAR 29 2011

OFFICE OF PETITIONS

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

In re Application of	:	
Stephen Craig ARBOGAST et al.	:	DECISION ON PETITION
Application No. 12/218,166	:	TO MAKE SPECIAL UNDER
Filed: July 11, 2008	:	37 CFR 102(c)(1)
Atty. Docket No.: 1532-003	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 3, 2011, to make the above-identified application special based on Applicant's age as set forth in MPEP 708.02, section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement in a declaration by inventor Herbert Nicholas Nigg that he is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

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 1617 for action on the merits commensurate with this decision

/Ramesh Krishnamurthy/

for David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/12/11

TO SPE OF : ART UNIT 1773

SUBJECT : Request for Certificate of Correction for Appl. No.: 12218214 Patent No.: 8029740

CofC mailroom date: 11/30/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
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.

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: _____

_____

_____

_____

_____

Jun Ward — 1773

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

TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

MAILED

SEP 23 2010

OFFICE OF PETITIONS

Applicant: Gharib, et al.
Appl. No.: 12/218,237
Filing Date: July 11, 2008
Title: Cardiac Assist System Using Helical Arrangement of Contractile Bands and Helically-Twisting Cardiac Assist Device
Attorney Docket No.: CIT048
Pub. No.: US 2009/0131740 A1
Pub. Date: May 21, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 26, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the second inventor "Morteza Gharib" was misprinted as "Mortiza Gharib" and several inventors names are missing.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on January 26, 2010, was not timely filed under 37 CFR 1.221(b).

Moreover, the error on the front page of the publication wherein the spelling of the inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name does not affect the understanding of the

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The Declaration submitted by applicant on January 5, 2009 is defective. An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). See MPEP 201.03(II)(B) and MPEP 605.04(a).

On July 31, 2008, January 16, 2009 and February 9, 2009, Filing Receipts were mailed by the Office which incorrectly listed the inventive entity. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A "Quick Start Guide" for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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.
12/218,288	07/14/2008	Mikiko Sakurai	SONYJP 3.0-1658	2338

7590 04/04/2012

SONYJP
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave West
Westfield, NJ 07090

EXAMINER	
THOMAS, JASON M	
ART UNIT	PAPER NUMBER
2423	
NOTIFICATION DATE	DELIVERY MODE
04/04/2012	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

MAILED

FEB 10 2011

OFFICE OF PETITIONS

Mr. Charles E. Baxley, Esquire
90 John Street, Suite 403
New York, New York 10038

In re Application of :
Wen Hung CHIANG : DECISION GRANTING PETITION
Application No. 12/218,304 : UNDER 37 CFR 1.137(b)
Filed: 14 July 2008 :
Atty Docket No. 17724 B (5966 BN)

This is a decision on the petition under 37 CFR 1.137(b), filed 11 June 2010, to revive the above-identified application.

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed 3 August 2009 ("Notice"), which set a reply period of three (3) months. No reply was received. The Application became abandoned on 4 November 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payments for the issue and publication fees, (2) a petition fee of $810.00 (small entity), and (3) a statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been properly submitted, although the address given on the petition differs from the address of record. 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 only to the address of record.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051), or, if unavailable, the undersigned at 571-272-7099.

The application file will be referred to the Office of Data Management for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

cc: Mr. Charles E. Baxley, Esquire
90 John Street, Suite 309
New York, New York 10038-3243

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AUG 12 2010

OFFICE OF PETITIONS

ANDREW ALEXANDER
821 ZUBAL ROAD
APOLLO PA 15613-9222

In re Application of	:	
Gyan JHA, et al	:	
Application No. 12/218,438	:	ON PETITION
Filed: July 15, 2008	:	
Attorney Docket No. 08-12	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 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 October 15, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; 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 $1110 extension of time fee submitted with the petition on June 24, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 01-2528.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 3726 for further processing in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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James Ray & Associates
2640 Pitcairn Road
Monroeville PA 15146

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of :
Matthew S. Callahan :
Application No. 12/218,444 : DECISION ON PETITION
Filed: July 15, 2008 :
Attorney Docket No. MSC 08161 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed 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. A Notice of Abandonment was mailed on December 22, 2010

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and election , (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the amendment and election is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received January 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MAILED
JAN 26 2012
OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE/ANN ARBOR
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MI 48104

In re Application of :
Kornelius Reutter, et al. :
Application No. 12/218,461 : NOTICE
Filed: July 15, 2008 :
Attorney Docket No.: 13352-4

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 22, 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**.

Applicant is reminded that, in view of applicant's loss of entitlement to small entity status, the issue fee payment filed in response to the Notice of Allowance and Issue Fee Due mailed December 8, 2011 must be paid as a large entity.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

This file is being referred to Office of Data Management to await a response to the Notice of Allowance mailed December 8, 2011.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Scott A. Whitaker, Ph.D., J.D. -Sr.
Intellectual Property Counsel
BioNumerik Pharmaceuticals, Inc.
8122 Datapoint Drive, Suite 1250
San Antonio TX 78229

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application:
Frederick H. Hausheer
Application No. 12/218,470
Filed: July 15, 2008
Attorney Docket No. X-0262A

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 2, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Technology Center 1642.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS MN 55437

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
GARY NEAL YOUNG, ET AL. :
Application No. 12/218,501 : DECISION ON PETITION
Filed: July 15, 2008 :
Attorney Docket No. **VERU.001.D2C1** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 7, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 7, 2010. Accordingly, the date of abandonment of this application is December 8, 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 payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,518	07/16/2008	Takashi Kato	SIP-185-A	3702

21828 7590 08/02/2010

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER	
ROCCA, JOSEPH M	
ART UNIT	**PAPER NUMBER**
3616	

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):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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JUL 30 2010

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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re application of	:	**DECISION ON REQUEST TO**
Takashi Kato	:	**PARTICIPATE IN PATENT**
Application No. 12/218,518	:	**PROSECUTION HIGHWAY**
Filed: July 16, 2008	:	**PROGRAM AND PETITION**
For: SUB-FRAME STRUCTURE	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 17, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:

(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); Claims 3 – 11 in the US application do not correspond with the patentable claims 1 & 2 of JPO application - JP 2007-185576.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, 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. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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: 07/29/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,518	07/16/2008	Takashi Kato	SIP-185-A	3702

21828 7590 08/06/2010

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER	
ROCCA, JOSEPH M	
ART UNIT	**PAPER NUMBER**
3616	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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AUG - 5 2010

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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re application of	:	**DECISION ON REQUEST TO**
Takashi Kato	:	**PARTICIPATE IN PATENT**
Application No. 12/218,518	:	**PROSECUTION HIGHWAY**
Filed: July 16, 2008	:	**PROGRAM AND PETITION**
For: SUB-FRAME STRUCTURE	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the new requirement regarding adding new dependent claims to an allowed independent claim in a JPO allowed application. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/04/10

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John R. Ross
P.O. BOX 2138
Del Mar, CA 92014

MAILED

APR 14 2011

OFFICE OF PETITIONS

In re Application of :
Richard G. Trissel :
Application No. 12/218,536 : ON PETITION
Filed: July 16, 2008 :
Attorney Docket No. TRI 3 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed on June 16, 2010. A Notice of Abandonment was mailed January 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the $405 fee and the submission under 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

Since the address given in the present petition differs from the correspondence address of record, a courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, all future communications from the Office will be directed to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 2884 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: John R. Ross
Trex Enterprises Corp.
10455 Pacific Center Ct.
San Diego, CA 92121

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FEB 24 2011

OFFICE OF PETITIONS

GARLICK HARRISON & MARKISON (CS)
P.O.BOX 160727
AUSTIN TX 78716

In re Application of :
Dhuse et al. :
Application No. 12/218,594 : DECISION GRANTING PETITION
Filed: July 16, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. CS017 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment and Application Data Sheet (ADS) filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title and ADS, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the

prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant 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 instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 2457 for appropriate action on the amendment and ADS filed January 10, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

/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
12/218,594	07/16/2008	2457	515	CS017	8	1

CONFIRMATION NO. 3312

89322
Garlick Harrison & Markison (CS)
P.O.Box 160727
Austin, TX 78716

CORRECTED FILING RECEIPT

OC000000046085456

Date Mailed: 02/18/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Greg Dhuse, Chicago, IL;
S. Christopher Gladwin, Chicago, IL;

Assignment For Published Patent Application

Cleversafe, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 89322

Domestic Priority data as claimed by applicant

This application is a CIP of 11/973,613 10/09/2007
and is a CIP of 11/973,622 10/09/2007
and is a CIP of 11/973,542 10/09/2007
and is a CIP of 11/973,621 10/09/2007 PAT 7,904,475
and is a CIP of 11/241,555 09/30/2005
and is a CIP of 11/403,684 04/13/2006 PAT 7,574,570
and is a CIP of 11/404,071 04/13/2006 PAT 7,574,579
and is a CIP of 11/403,391 04/13/2006 PAT 7,546,427
and is a CIP of 12/080,042 03/31/2008
and is a CIP of 12/218,200 07/14/2008

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: 08/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/218,594**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Streaming media software interface to a dispersed data storage network

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,624	07/16/2008	David M. Cohen	106616-0004-102	4040

28120 7590 10/15/2010

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

EXAMINER	
BLAKELY III, NELSON CLARENCE	
ART UNIT	PAPER NUMBER
1614	

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

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of: :
Cohen et al. :
Serial No.: 12/218,624 : PETITION DECISION
Filed: July 16, 2008 :
Attorney Docket No.: **106616-0004-102**

This is in response to the petition under 37 CFR § 1.59(b), filed October 1, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that documents submitted to the Patent Office on October 1, 2010, be expunged from the record because they are subject to "Protective Order" and are "Proprietary" in nature. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of :
COHEN, David M. et al. :
Application No. 12/218,624 : DECISION ON PETITION
Filed: July 16, 2008 : TO WITHDRAW
Attorney Docket No. **106616-0004-102** : 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 07, 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.

The request was signed by David P. Halstead on behalf of all attorneys of record, however does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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: **DERMWARX INC.**
1835 EAST HALLANDALE BEACH BOULEVARD
SUITE 612
HALLANDALE, FL 33009

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IPRM - Floor 43
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BOSTON MA 02199-3600

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DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
COHEN, David M. et al. :
Application No. 12/218,624 : DECISION ON PETITION
Filed: July 16, 2008 : TO WITHDRAW
Attorney Docket No. **106616-0004-102** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David P. Halstead on behalf of all attorneys of record who are associated with customer No. 28120. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the 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: **DERMWARX INC.**
1835 EAST HALLANDALE BEACH BOULEVARD
SUITE 612
HALLANDALE, FL 33009

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In re Application of
John C. Meade

Application No. 12218633

Filed: July 17,2008

Attorney Docket No. 67284CON (306932)

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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JUL 08 2011
OFFICE OF PETITIONS

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application:
Mathiebe et al.
Application No. 12/218,699
Filed: July 17, 2008
Attorney Docket No. MATHIEBE ET AL - 1

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 15, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,735	07/17/2008	Kosuke Hara	4041K-000424	4523

7590 10/15/2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
ROGERS, LAKIYA G	
ART UNIT	**PAPER NUMBER**
3744	
MAIL DATE	**DELIVERY MODE**
10/15/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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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.
12/218,752	07/16/2008	Martin Fornage	EE010	4533

54698 7590 12/21/2011

MOSER TABOADA
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

EXAMINER	
DESTA, ELIAS	

ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
12/21/2011	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
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In re Application of	:	
Ozgur Yildirim et al.		:DECISION ON PETITION
Serial No.:12/238,752	:	UNDER 37 C.F.R. §1.144
Filed: September 26, 2008	:	
For: SYSTEMS AND METHODS OF PRIMING A FLUID DISPENSER	:	:

This is a decision on the Petition under 37 CFR 1.144, filed on February 10, 2011, requesting withdrawal of the restriction requirement between product and process claim 21 set forth in the Final Rejection filed on October 29, 2010.

The Petition is DENIED.

Petitioner asserts that the restriction requirement is in error because examiner has failed to properly provide support to restrict claim 21 and therefore the withdrawal from consideration of claims 21 should not be sustained. "Even if, arguendo, it is proper and allowable for the Examiner to rest solely on the arguments presented in a previous restriction in order to restrict any newly introduced claim, the examiner still fails to meet the burden required by the MPEP. This is because the examiner has failed to show that "examination of [claim 21] can [not] be made without serious burden." (MPEP 803; 803(I)). Therefore, for at least this additional reason, the examiner has failed to properly restrict claim 21 because "the examiner must examine" claim 21 if this burden cannot be or is not shown."

M.P.E.P. § 803 states in pertinent part:

> Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(I)) or distinct (MPEP § 806.05 - § 806.05(I)).
>
> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

On March 8, 2010, the Examiner sent out a restriction requirement and required Petitioner to elect for examination one of two inventions:

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, drawn to a method of priming a fluid-dispensing head, classified in class 347, subclass 92.

II. Claims 7-20, drawn to a fluid-dispensing head, classified in class 347, subclass 67.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process. For example, the claimed fluid-dispensing head may be used to practice a method of performing pre-heating operations during ink ejection, so as to maintain the temperature of ink near the boiling point.

On April 6, 2010, the Petitioner elected the apparatus Group II, claims 7-20 for examination without traverses. The Petitioner also withdrew the method Group I, claims 1-6.

On June 9, 2010, the examiner issued a Non-Final Rejection based on the elected apparatus Group II, claims 7-20 with the response to the Petitioner's election.

Election/Restrictions

Applicant's election without traverse of Group 2 in the reply filed on 4/6/2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Therefore, claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

On September 9, 2010, the Petitioner added a new process claim 21.

Petitioner's assertion that the restriction requirement is improper is not deemed to be persuasive.

Newly submitted claim 21 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 21, drawn to a method of expelling gaseous bubbles, classified in class 347, subclass 92.

II. Claims 7, 9, 11, 12, 14 and 17-20, drawn to a fluid-dispensing head, classified in class 347, subclass 67.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for

making a materially different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the apparatus as claimed can be used to practice another and materially different process. For example, the claimed fluid-Dispensing head may be used to practice a method of performing pre-heating operations during ink ejection, so as to maintain the temperature of ink near the boiling point.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

The inventions require a different field of search (e. g. searching different classes/subclasses or electronic resources, or employing different search strategies or search queries.)

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, claim 21 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since restriction requirement between the Group I, new method claim 21 and the apparatus claims 7, 9, 11, 12, 14 and 17-20 is found to be proper, the petition must be denied.

Any question concerning this decision should be directed to Matthew Luu, Supervisory Patent Examiner, at (571) 272-7663.

Joseph Thomas, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED

DEC 0 1 2010

OFFICE OF PETITIONS

In re Application of :
WALDMAN, David A. :
Application No. 12/218,766 : DECISION ON PETITION
Filed: July 17, 2008 : TO WITHDRAW
Attorney Docket No. **87496(301691)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, P.C. has been revoked by the assignee of the patent application on November 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **EDWARDS ANGELL PALMER & DODGE LLP**
P.O. BOX 55874
BOSTON MA 02205

UNITED STATES PATENT AND TRADEMARK OFFICE

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July 7, 2011

MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX VA 22030

Re Application of
PARK, WON SUN, ET Al
Application: **12/218767**
Filed: **07/16/2008**
Attorney Docket No: **1029.007**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 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 containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/218,883	07/18/2008	Guotong Feng	20412-14179	4895

7590 12/29/2011

RICOH/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
SELBY, GEVELL V	
ART UNIT	**PAPER NUMBER**
2622	
NOTIFICATION DATE	**DELIVERY MODE**
12/29/2011	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
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December 29, 2011

RICOH/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	:	
Guotong Feng et al.	:	**DECISION ON PETITION**
Application No. 12218883	:	
Filed: 7/18/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 20412-14179	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 18, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAGINOT MOORE & BECK, LLP
CHASE TOWER
111 MONUMENT CIRCLE, SUITE 3250
INDIANAPOLIS, IN 46204

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of
Heini Grutter
Application No. 12/218,928
Filed: July 18, 2008
Attorney Docket No. 1761-0072

DECISION ON PETITION
UNDER 37 CFR 1.313(c)(1)

This is a decision on the petition under 37 CFR 1.313(c), filed January 5, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition and amendment filed January 5, 2011 does not satisfies the conditions under 37 CFR 1.313(c) in that the s-signature of Michael D. Beck is improper, due to lack of slashes. See § 1.4(d)(2)(i).

Accordingly, this petition can not be treated until a proper signature is received.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-0025
Office of Petitions

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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SUITE 3250
INDINAPOLIS, IN 46204

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JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Heini Grutter et al :
Application No. 12/218,928 : ON PETITION
Filed: July 18, 2008 :
Attorney Docket No. 1761-0072

This is a decision on the renewed petition, filed January 12, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 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 1774 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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

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.
12/218,953	07/18/2008	Nanhai Chen	3800002.00135 / 113	4907

77202 7590 12/21/2010

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER	
LI, BAO Q	

ART UNIT	PAPER NUMBER
1648	

MAIL DATE	DELIVERY MODE
12/21/2010	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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DEC 2 1 2010

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Chen et al.
Serial No.: 12/218,953
Filed: July 18, 2008
Attorney Docket No: **3800002.00135 / 113**

: PETITION DECISION

This is in response to the petition filed on December 10, 2010 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on February 19, 2009; August 17, 2009; January 4, 2010; August 18, 2010 and September 14, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicant argues the "Information Disclosure Statements were submitted in connection with the above-captioned application on February 19, 2009; August 17, 2009; January 4, 2010; August 18, 2010 and September 14, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. Copies of the misclassified Information Disclosure Statements filed on February 19, 2009; August 17, 2009; January 4, 2010; August 18, 2010 and September 14, 2010 are attached.

The submitted Information Disclosure Statements included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (February 19, 2009, "Transmittal Letter" of 7 pages; August 17, 2009, "Transmittal Letter" of 5 pages; January 4, 2010, "Transmittal Letter" of 2 pages; August 18, 2010, "Transmittal Letter" of 4 pages; and September 14, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein was not considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of February 19, 2009; August 17, 2009; January 4, 2010; August 18, 2010 and September 14, 2010.

DECISION

The petition is **GRANTED.**

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUINE INTELLECTUAL PROPERTY LAW GROOUP, PC
PO BOX 458
ALAMEDA, CA 94501

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Andrew Dillin, et al.
Application No. 12/218,976
Filed: July 17, 2008
Attorney Docket No. 95-000910US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Quine Intellectual Property Law Group, PC 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 undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BERGMAN & SONG, LLP
P.O. Box 400198
Cambridge, MA 02140

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
G. Alan Thompson :
Application No. 12/218,981 : DECISION ON PETITION
Filed: July 17, 2008 : TO WITHDRAW
Attorney Docket No. S2000-0008-P003 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 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 Michael Bergman 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 G. Alan Thompson at the address indicated below.

There is an outstanding Office action mailed September 30, 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: **G. Alan Thompson**
3 Woodburn Drive
Gloucester, ON K1B-3A6
Canada

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/218,981	07/17/2008	G. Alan Thompson	S2000-0008-P003

CONFIRMATION NO. 5002

64884
BERGMAN & SONG, LLP
P.O. BOX 400198
CAMBRIDGE, MA 02140

POWER OF ATTORNEY NOTICE

OC000000045182217

Date Mailed: 12/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/03/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF MARTIN JERISAT
Suite 3300
10 S. LaSalle Street
Chicago IL 60603

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Leif Levon.	:	
Application No. 12/218,995	:	DECISION ON PETITION
Filed: July 21, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 23, 2010. A Notice of Abandonment was mailed on January 3, 2011

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2885 for appropriate action by the Examiner in the normal course of business on the reply received January 20, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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.
12/218,996	07/18/2008	Masashi Miyagawa	4041J-001491	5771

27572 7590 03/28/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
KAMEN, NOAH P	
ART UNIT	PAPER NUMBER
3783	
MAIL DATE	DELIVERY MODE
03/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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:
MIYAGAWA, MASASHI
Serial No.: 12/218,996
Filed: July 18, 2008
Docket: 4041J-001491
Title: EXHAUST HEAT RECOVERY APPARATUS

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::
::
::

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 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 validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Mike Cuff, SPE of Art Unit 3783 and 571-272-6778 for Class 123/142 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax VA 22033

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Hisashi Ohtani, et al.	:	
Application No. 12/219,026	:	DECISION GRANTING PETITION
Filed: July 15, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0756-8355	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 22, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 26, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2818 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 : April 13,2011

In re Application of :

Ikki Tatsukami

Application No : 12219077

Filed : 15-Jul-2008

Attorney Docket No : 07-51866

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 13,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12219077
Filing Date	15-Jul-2008
First Named Inventor	Ikki Tatsukami
Art Unit	2835
Examiner Name	ANTHONY EDWARDS
Attorney Docket Number	07-51866
Title	ELECTRONIC DEVICE

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	/Tiep H. Nguyen/
Name	Tiep H. Nguyen
Registration Number	44465

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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
FUKUDA, et al	:	
Application No. 12/219,131	:	DECISION ON PETITION
Filed: July 16, 2008	:	TO WITHDRAW
Attorney Docket No. 137768	:	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 16, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

A review of the file record indicates that Liam J. McDowell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The correspondence address of record remains the same, all correspondence from the Office will continue to be forwarded to the above-identified address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12219143
Filing Date	16-Jul-2008
First Named Inventor	Ikki Tatsukami
Art Unit	2835
Examiner Name	NIDHI DESAI
Attorney Docket Number	07-51864
Title	ELECTRONIC PART-MOUNTING COMPONENT AND ELECTRONIC DEVICE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.07.08 ☐ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott A. Elchert/
Name	Scott A. Elchert
Registration Number	55149

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 7,2011

In re Application of :

Ikki Tatsukami

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12219143

Filed : 16-Jul-2008

Attorney Docket No : 07-51864

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 7,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/219,235	07/17/2008	Hyoung-Ki Lee	1907.1257	3919

7590 05/04/2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
LE, TOAN M	

ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 3, 2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Re Application of
LEE, HYOUNG-KI, ET Al.
Application: **12/219235**
Filed: **07/17/2008**
Attorney Docket No: **1907.1257**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 17, 2008.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,822,364 B2
Ser. No. : 12/219,281
Inventor(s) : Takigawa et al.
Issued : Oct. 26, 2010
Title : IMAGE FORMING APPARATUS
Docket No. : 6164-000211/US
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

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 8910
RESTON VA 20195

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,822,364 :
Application No. 12/219,281 :
Filed: July 18, 2008 : ON PETITION
Issued: October 26, 2010 :
Attorney Docket No. 6164-000211/US :

This is a decision on the petition filed April 14, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBINSON INTELLECTUAL PROPERTY LAW OFFICE, P.C.
3975 FAIR RIDGE DRIVE
SUITE 20 NORTH
FAIRFAX, VA 22033

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Application of :
Takeshi Osada :
Application No.: 12/219,468 : ON PETITION
Filed: July 23, 2008 :
Attorney Docket No.: 0756-8347 :

This is to notify petitioner that the petition under 37 CFR 1.313(c)(2), filed electronically on February 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee, is **dismissed as moot** as of February 8, 2011, the date upon which the above-identified application issued as U.S. Patent No. 7,885,612.[1]

Any inconvenience caused petitioner is regretted; however, petitioner's attention is directed to 37 CFR 1.313(d) which states that "A petition under this section [37 CFR 1.313(c)] will not be effective to withdraw the application from issue **unless it is actually received and granted by the appropriate officials before the date of issue**" (emphasis in bold). In this instance, the petition was filed on February 8, 2011, the date of issuance of the application into a patent. See also MPEP 1308, which states, in pertinent part:

> "**The Office cannot ensure that any petition under 37 CFR 1.313(c)** [filed after payment of the issue fee] **will be acted upon prior to the date of patent grant.** See *Filing of Continuing Applications, Amendments, or Petitions after Payment of Issue Fee*, Notice, 1221 Off. Gaz. Pat. Office 14 (April 6, 1999) . . . **applicants are strongly cautioned to file any desired RCE prior to payment of issue fee.** In addition, **applicants considering filing a RCE after payment of the issue fee are strongly cautioned to call the Office of Petitions to determine whether sufficient time remains** before the patent issue date to consider (and grant) a petition under 37 CFR 1.313(c) and what steps are needed to ensure that a grantable petition under 37 CFR 1.313(c) is before an appropriate official in the Office of Petitions in sufficient time to grant the petition before the patent is issued" (emphasis in bold).

[1] The jurisdiction of the Office over an application ends once the application issues as a patent.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of the instant application into a patent on February 8, 2011. The RCE and the information disclosure statement (IDS) remain in the file of the above-identified application without further consideration. See 37 CFR 1.97(i). The $810 RCE filing fee paid on February 8, 2011 is being credited to counsel's deposit account.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDREWS KURTH LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1100
1350 I STREET, N.W.
WASHINGTON DC 20005

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
MENNER :
Application No. 12/219,569 : DECISION ON PETITION
Filed: July 24, 2008 : TO WITHDRAW
Attorney Docket No. 183223 : 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 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Sean W. Wooden on behalf of the attorneys of record associated with Customer Number 38598.

The attorneys of record associated with Customer Number 38598 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN MENNER
6420 STONEHAVEN CT.
CLIFTON, VA 20124

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
12/219,569	07/24/2008	John Menner	183223

CONFIRMATION NO. 6514

ANDREWS KURTH LLP
Intellectual Property Department
Suite 1100
1350 I Street, N.W.
Washington, DC 20005

POWER OF ATTORNEY NOTICE

OC000000048519950

Date Mailed: 06/30/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/06/12

TO SPE OF : ART UNIT: 1761 Attn: PYON HAROLD Y (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/219616 Patent No.: 8097044

CofC mailroom date: 03/29/2012

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 for the Requested corrections on the PTO SB/44 FORM

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Harold Pyon/ 1761
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.
12/219,616	07/24/2008	Frederic Guerin	06028.0175-00000	6725

22852 7590 04/10/2012

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
ELHILO, EISA B	

ART UNIT	PAPER NUMBER
1761	

MAIL DATE	DELIVERY MODE
04/10/2012	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120406A

DATE : April 06, 2012

TO SPE OF : ART UNIT 1761

SUBJECT : Request for Certificate of Correction on Patent No.: 8097044

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/HAROLD PYON/
Supervisory Patent Examiner.Art Unit 1761

UNITED STATES 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 AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Nathaniel J. Dennis et al :
Application No. 12/219,624 : DECISION ON PETITIONS
Filed: July 24, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 045306-0186 :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. 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 3616 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
12/219,624	07/24/2008	3616	1220	045306-0186	19	3

CONFIRMATION NO. 6657

CORRECTED FILING RECEIPT

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 08/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nathaniel J. Dennis, Grand Blanc, MI;
Brent T. Elkin, Imlay City, MI;
Amy L. Klinkenberger, Highland, MI;

Assignment For Published Patent Application

TK HOLDINGS INC.

Power of Attorney: The patent practitioners associated with Customer Number 22428

Domestic Priority data as claimed by applicant

This application is a CIP of 11/707,264 02/16/2007 PAT 7,506,892
which claims benefit of 60/828,304 10/05/2006
and claims benefit of 60/743,319 02/17/2006

Foreign Applications

If Required, Foreign Filing License Granted: 08/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/219,624**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Airbag system

Preliminary Class

280

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 8, 2010

Paul I. Kravetz
Staas & Halsey, LLP
1201 New York Ave, N.W. 7th Floor
Washington, DC 20005

Patent No: 7,802,041 B2
Application No: 12/219,627
Applicant: Takayuki Kinoshita, et al.
Issued: September 21, 2010
Title: **INFORMATION PROCESSING APPARATUS INCLUDING TRANSFER DEVICE FOR TRANSFERRING REQUESTS**

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 or 1.323.

Respecting the alleged errors in your request, comparison of the printed patent with the corresponding locations in the application file reveals that there is no discrepancy.

In view of the foregoing your request in these matters is hereby **denied**.

However, further consideration will be given these matters, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently $100.

Further correspondence concerning this matter should be filed and directed to Decisions & certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

Copy

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FUJITSU PATENT CENTER
FUJITSU MANAGEMENT SERVICES OF AMERICA, INC.
2318 MILL ROAD, SUITE 1010
ALEXANDRIA, VA 22314

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of
Takashi IIJIMA
Application No. 12/219,629
Filed: July 24, 2008
Attorney Docket No. **05-53108**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 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) 272-7253.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/219,656	07/25/2008	James A. Georges III	12492.0306	6964

27890 7590 09/10/2010

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER	
LYONS, MICHAEL A	
ART UNIT	PAPER NUMBER
2877	
MAIL DATE	DELIVERY MODE
09/10/2010	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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Paper No. 20100908

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of:	:	
GEORGES, James A. III	:	PETITION TO ACCEPT COLOR DRAWINGS
Serial No.: 12/219,656	:	UNDER 37 CFR § 1.84(a)(2)
Filed: July 25, 2008	:	
Attorney Docket No.: 12492.0306	:	

This is a decision on the petition filed July 28, 2008 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
1201 NEW YORK AVE NW
SUITE 700
WASHINGTON DC 20005

MAILED

JAN 26 2012

OFFICE OF PETITIONS

In re Application of :
Jung, et al. :
Application No. 12/219,660 : ON PETITION
Filed: July 25, 2008 :
Attorney Docket Number: 1952.1061 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), filed October 14, 2008.

The petition is **DISMISSED AS MOOT.**

This application is abandoned for failure to respond to the Office action mailed June 22, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2835.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/04/2010

Applicant	: Li-Ching Lo	: DECISION ON REQUEST FOR
Patent Number	: 7648717	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/219,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/29/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of :
Morihiko Ikegaya :
Application No. 12/219,849 : DECISION ON PETITION
Filed: July 29, 2008 :
Attorney Docket No. PHCF-08056US :
HIR.336

This is a decision on the request filed March 21, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **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 petition is dismissed since as stated in item (3) the statutory period for reply has expired.

With respect to item (3), the period for response has expired. Accordingly, the request for relief is dismissed. The U. S. Patent and Trademark Office does not have the authority to waive a requirement of the statute. Further, the request as entered was classified as a Miscellaneous Incoming Letter (See the EFS acknowledgement receipt of 03/21/11). As such, the system did not recognize this as a request for relief when it was filed. Thus, the request was not filed with sufficient time for the Office to withdraw and reissue the Office communication prior to the expiration for the response period, as required in the Announcement/Notice from Director Kappos. Accordingly, this application is abandoned. Applicant may consider filing a petition for revival under 37 CFR 1.137.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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 571-272-7751.

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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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED
JUN 02 2011
OFFICE OF PETITIONS

In re Application of :
Morihiko Ikegaya :
Application No. 12/219,849 : DECISION ON PETITION
Filed: July 29, 2008 :
Attorney Docket No. PHCF-08056US :
HIR.336

This is a decision on the renewed request filed May 19, 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).

A non-final Office action was mailed September 23, 2011 in the above-identified application. Petitioner, Sean Michael McGinn, filed a request seeking relief on March 21, 2011. A Notice of Abandonment was mailed May 10, 2011.

Petitioner asserts that applicant timely filed a request for relief "prior to expiration of the statutory or non-statutory time period set for response within sufficient time so that withdrawal and reissuance of the Office Communication occur prior to expiration of the statutory or non-statutory time period." And further, petitioner asserts "the process of reissuing an office action would not take longer than 2 days, nor should it take longer than 2 days to deliver a petition to the appropriate art unit or Examiner to issue a supplemental office action".

However, the Kappos' memo states as follows:

For patent applications and reexamination proceedings pending in the USPTO as of March 11,2011, having one or more inventors, an assignee, or a correspondence address in areas of Japan affected by the earthquake and tsunami, in which 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, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. **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 request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice 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 request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450. Alexandria. VA 22313-1450. Form PTO/SB/425 will be available in EFS-Web and on the USPTO Web site at http://www.uspto.gov/forms/index.jsp.The use of form PTO/SB/425 is encouraged to facilitate processing of the request.

The request for relief is **DISMISSED**.

The instant petition is dismissed since the statutory period for reply has expired.

The announcement required (a) the request must be made prior to the expiration of the statutory or non-statutory time period set for response, **and** (b) 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). While petitioner filed his original request two days prior to the expiration of the statutory period, the submission of the paper as a "Miscellaneous letter" rather than as a petition resulted in the Office of Petitions not receiving it prior to the expiration of the statutory period. The filing of any petition may not be recognized or effective if not received by the appropriate deciding official in time to act prior to abandonment.

The U. S. Patent and Trademark Office does not have the authority to waive a requirement of the statute. Accordingly, the above-identified application became abandoned December 27, 2010. Applicant may consider filing a petition for revival under 37 CFR 1.137(a) or (b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By 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 571-272-7751.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of :
Morihiko Ikegaya :
Application No. 12/219,849 : DECISION ON PETITION
Filed: July 29, 2008 :
Attorney Docket No. PHCF-08056US HIR.336 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 27, 2010. A Notice of Abandonment was mailed May 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

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.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 30, 2011

In re Application of :

Masato Nishihara

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12219860

Filed : 29-Jul-2008

Attorney Docket No : 0221.1180

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 30, 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 2613 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	12219860
Filing Date	29-Jul-2008
First Named Inventor	Masato Nishihara
Art Unit	2613
Examiner Name	REZA SEDIGHIAN
Attorney Docket Number	0221.1180
Title	OPTICAL DEVICE, OPTICAL MODULATION METHOD, AND OPTICAL TRANSMITTER

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	/Mark J. Henry/
Name	/Mark J. Henry/
Registration Number	36162

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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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
John Sutton	:	DECISION ON PETITION
Application No. 12/220,004	:	TO WITHDRAW
Filed: July 21, 2008	:	FROM RECORD
Attorney Docket No. 1442.3002.001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Steven L. Permut on behalf of all the practitioners of record associated with Customer Number 23399.

Customer Number 23399 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 12, 2010, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: MR. JOHN SUTTON
14917 GARFIELD AVENUE
ALLEN PARK, MI 48101

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
12/220,004	07/21/2008	John Sutton	1442.3002.001

CONFIRMATION NO. 5601

23399
REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

POWER OF ATTORNEY NOTICE

OC000000047251504

Date Mailed: 04/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley-collier/

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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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL G. GILMAN
5522 RIVA RIDGE DRIVE
WESLEY CHAPEL FL 33544

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Branko Kozulic :
Application No. 12/220,042 : DECISION ON PETITION
Filed: July 21, 2008 :
Attorney Docket No. 4728-001A :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 9, 2010, to revive the above-identified application or in the alternative a petition to revive under the unintentional provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2008.

Both petitions are **DISMISSED.**

As to the petition under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1) and (3).

Petition attests that the response to the Notice to File Corrected Application Papers (Notice) mailed August 14, 2008 was unavoidable because the Office action was mailed to an incorrect address. A further review of the record indicates that the Office action was mailed to the address of record. Petitioner filed a power of attorney July 21, 2008 requesting that the address of record be listed as Intellectual Property Law Office of Michael G. Gilman 424 Lantana Park Lexington, KY 40515. The address listed in the Application Data Sheet and the Transmittal letter is associated with customer number with the address listed as Michael G. Gilman 5522 Riva Ridge

Drive, Wesley Chapel FL 33544. In an instance where applicant has presented the Office with a customer number and a written address for the purposes of filing the application the Office will associate the correspondence address with the customer. Petitioner's failure to file a proper power of attorney and change of correspondence address is not considered to be an unavoidable delay. Additionally, petitioner has failed to respond to the Notice of August 14, 2008.

While the showing of the record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of the unintentional delay.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As to the petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1), (2) and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In this instance, there was no response to the outstanding Notice mailed August 14, 2008. A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received. A copy of the Notice to File Corrected Application Papers mailed August 12, 2010 accompanies this decision.

With respect to item 2:

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $810. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one half of the amount indicated. See 37 CFR 1.27.

The petition in the above identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

With respect to item 3:

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement. A copy of the Notice to File Corrected Application Papers mailed August 14, 2008.

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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MICHAEL G. GILMAN
424 LANTANA PARK
LEXINGTON, KY 40515

MAILED
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OFFICE OF PETITIONS

In re Application of :
Branko Kozulic :
Application No. 12/220,042 : DECISION ON PETITION
Filed: July 21, 2008 :
Attorney Docket No. 4728-001A :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 9, 2010, to revive the above-identified application or in the alternative a petition to revive under the unintentional provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2008.

Both petitions are **DISMISSED.**

As to the petition under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1) and (3).

Petition attests that the response to the Notice to File Corrected Application Papers (Notice) mailed August 14, 2008 was unavoidable because the Office action was mailed to an incorrect address. A further review of the record indicates that the Office action was mailed to the address of record. Petitioner filed a power of attorney July 21, 2008 requesting that the address of record be listed as Intellectual Property Law Office of Michael G. Gilman 424 Lantana Park Lexington, KY 40515. The address listed in the Application Data Sheet and the Transmittal letter is associated with customer number with the address listed as Michael G. Gilman 5522 Riva Ridge

Drive, Wesley Chapel FL 33544. In an instance where applicant has presented the Office with a customer number and a written address for the purposes of filing the application the Office will associate the correspondence address with the customer. Petitioner's failure to file a proper power of attorney and change of correspondence address is not considered to be an unavoidable delay. Additionally, petitioner has failed to respond to the Notice of August 14, 2008.

While the showing of the record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of the unintentional delay.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As to the petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1), (2) and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In this instance, there was no response to the outstanding Notice mailed August 14, 2008. A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received. A copy of the Notice to File Corrected Application Papers mailed August 12, 2010 accompanies this decision.

With respect to item 2:

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $810. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one half of the amount indicated. See 37 CFR 1.27.

The petition in the above identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

With respect to item 3:

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement. A copy of the Notice to File Corrected Application Papers mailed August 14, 2008.

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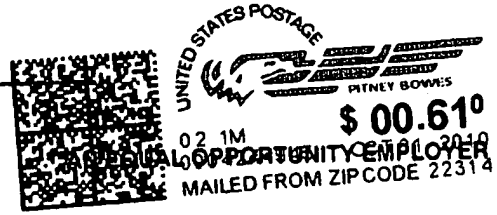

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www.uspto.gov

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5522 RIVA RIDGE DRIVE
WESLEY CHAPEL FL 33544

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OCT 01 2010
OFFICE OF PETITIONS

In re Application of :
Branko Kozulic :
Application No. 12/220,042 : DECISION ON PETITION
Filed: July 21, 2008 :
Attorney Docket No. 4728-001A :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 9, 2010, to revive the above-identified application or in the alternative a petition to revive under the unintentional provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2008.

Both petitions are **DISMISSED.**

As to the petition under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (1) and (3).

Petition attests that the response to the Notice to File Corrected Application Papers (Notice) mailed August 14, 2008 was unavoidable because the Office action was mailed to an incorrect address. A further review of the record indicates that the Office action was mailed to the address of record. Petitioner filed a power of attorney July 21, 2008 requesting that the address of record be listed as Intellectual Property Law Office of Michael G. Gilman 424 Lantana Park Lexington, KY 40515. The address listed in the Application Data Sheet and the Transmittal letter is associated with customer number with the address listed as Michael G. Gilman 5522 Riva Ridge

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Drive, Wesley Chapel FL 33544. In an instance where applicant has presented the Office with a customer number and a written address for the purposes of filing the application the Office will associate the correspondence address with the customer. Petitioner's failure to file a proper power of attorney and change of correspondence address is not considered to be an unavoidable delay. Additionally, petitioner has failed to respond to the Notice of August 14, 2008.

While the showing of the record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of the unintentional delay.

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.

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As to the petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1), (2) and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In this instance, there was no response to the outstanding Notice mailed August 14, 2008. A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received. A copy of the Notice to File Corrected Application Papers mailed August 12, 2010 accompanies this decision.

With respect to item 2:

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $810. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one half of the amount indicated. See 37 CFR 1.27.

The petition in the above identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

With respect to item 3:

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

Further correspondence with respect to this matter should be addressed as follows:

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By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement. A copy of the Notice to File Corrected Application Papers mailed August 14, 2008.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

MICHAEL G. GILMAN
424 LANTANA PARK
LEXINGTON, KY 40515

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FEB 16 2011

OFFICE OF PETITIONS

In re Application of
Branko Kozulic
Application No. 12/220,042
Filed: July 21, 2008
Attorney Docket No. 4728-001A

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed November 22, 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 or in the alternative a petition to revive under the unintentional provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2008.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petitions under 37 CFR 1.137(a) and 1.137(b) are also **DISMISSED**.

As to the petition under 37 CFR 1.181:

Petitioner asserts that the Office action dated August 14, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner at the correspondence address of record;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy items 1, 2 and 3 of the above-stated requirements.

Accordingly, absent the required evidence to establish non-receipt of the Office action of April 21, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

As to the petition under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has

failed to meet his or her burden of establishing that the delay was "unavoidable." *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petition attests that the response to the Notice to File Corrected Application Papers (Notice) mailed August 14, 2008 was unavoidable because the Office action was mailed to an incorrect address. A further review of the record indicates that the Office action was mailed to the address of record. Petitioner filed a power of attorney July 21, 2008 requesting that the address of record be listed as Intellectual Property Law Office of Michael G. Gilman, 424 Lantana Park, Lexington, KY 40515. The address listed in the Application Data Sheet and the Transmittal letter is associated with customer number with the address listed as Michael G. Gilman, 5522 Riva Ridge Drive, Wesley Chapel, FL 33544. In an instance where applicant has presented the Office with a customer number and a written address for the purposes of filing the application the Office will associate the correspondence address with the customer. See 37 CFR 1.33 and MPEP 601.03. The issue is not how many addresses petitioner supplied the Office; rather, it is whether the Office entered a correspondence address for the instant application in accordance with the regulations procedures which govern the Office. In this case, the Office filed appropriate procedure.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. *See Haines v. Quigg*, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), *Vincent v, Mossinghoff*, 230 USPQ 621, 624 (D.D.C. 1985); *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131 (1891).

As to the petition under 37 CFR 1.137(b):

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

As authorized the petition fee for the filing of a petition under the provisions of 37 CFR 1.137(b) has been charged to petitioner's deposit account.

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile:
(571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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APR 20 2011

OFFICE OF PETITIONS

MICHAEL G. GILMAN
424 LANTANA PARK
LEXINGTON, KY 40515

In re Application of :
Branko Kozulic :
Application No. 12/220,042 : ON PETITION
Filed: July 21, 2008 :
Attorney Docket No. 4728-001A :

This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed February 28, 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 or in the alternative a petition to revive under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2008.

Petitioner asserts the Notice of Abandonment mailed April 17, 2009 be withdrawn as petitioner never received the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008.

To support this assertion petitioner has submitted: (1) a statement from petitioner stating that the Office communication was not received by the inventor and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, it is concluded that petitioner never received the Notice to File Corrected Application Papers (Notice), mailed August 14, 2008.

In view of the granting of this decision the petitions filed under 37 CFR 1.137(a) and 37 CFR 1.137(b) are hereby **dismissed as moot**.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1641 for appropriate action by the Examiner in the normal course of business on the reply received November 4, 2010.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PATRICIA DERRICK DBA BRAINPATHS
4186 MELODIA SONGO CT
LAS VEGAS NV 89135

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of :
Patricia Ahleen Derrick :
Application No. 12/220,044 : DECISION ON PETITION
Filed: July 21, 2008 :
Title: Method And Apparatus To Use :
Geographical Maps In A Board Game By
Separating The Game Into 2 Components,
Namely A Topic-Board And A Player-Board,
Both Used Side By Side In The Game

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 proper and timely manner to the non-final Office action mailed, September 28, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 29, 2009. A Notice of Abandonment was mailed May 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Additionally, it is not apparent whether the person signing the instant petition

was ever given a power of attorney or authorization of agent to prosecute this application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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 3711 for further appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Rob L. Phillips
Greenberg Traurig
3773 Howard Hughes Pkwy.
Suite 400 North
Las Vegas, Nevada 89169

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARMEN PATTI LAW GROUP, LLC
ONE N. LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Baugher et al.	:	DECISION ON PETITION
Application No. 12/220,135	:	TO WITHDRAW
Filed: July 22, 2008	:	FROM RECORD
Attorney Docket No. NIK-102	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **NOT APPROVED**.

The Office 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 the assignee listed is not the current assignee on record and there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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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CARMEN PATTI LAW GROUP, LLC
ONE N. LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Baugher et al.	:	DECISION ON PETITION
Application No. 12/220,135	:	TO WITHDRAW
Filed: July 22, 2008	:	FROM RECORD
Attorney Docket No. NIK-102	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Charles L. Warren on behalf of all attorneys/agents of record who are associated with Customer Number 32205. All attorneys/agents associated with Customer Number 32205 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Tzee, Inc., at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: TZEE, INC. (AKA AUMNE INC.)
4343 COMMERCE COURT, SUITE 200
LISLE IL 60532

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARMEN PATTI LAW GROUP, LLC
ONE N. LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Baugher et al.	:	DECISION ON PETITION
Application No. 12/220,137	:	TO WITHDRAW
Filed: July 22, 2008	:	FROM RECORD
Attorney Docket No. NIK-101	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **NOT APPROVED**.

The Office 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 the assignee listed is not the current assignee on record and there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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44TH FLOOR
CHICAGO IL 60602

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Baugher et al.	:	DECISION ON PETITION
Application No. 12/220,137	:	TO WITHDRAW
Filed: July 22, 2008	:	FROM RECORD
Attorney Docket No. NIK-101	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Charles L. Warren on behalf of all attorneys/agents of record who are associated with Customer Number 32205. All attorneys/agents associated with Customer Number 32205 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, Tzee, Inc., at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: TZEE, INC. (AKA AUMNE INC.)
4343 COMMERCE COURT, SUITE 200
LISLE IL 60532

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

INNOVATION COUNSEL LLP
21771 STEVENS CREEK BLVD
STE. 200A
CUPERTINO CA 95014

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Choi, et al. :
Application No. 12/220,145 : DECISION
Filed/Deposited: 22 July, 2008 :
Attorney Docket No. PANK02687 US

This is a decision on the petition filed on 28 June, 2011, requesting that the above-identified application be accorded a filing date of 21 July, 2008, rather than the presently accorded date of 22 July, 2008.

The petition is **DISMISSED**.

Petitioner filed a petition to obtain an earlier filing date than presently accorded on the contention that the application was deposited with Express Mail Service on 21 July, 2008.

(Across nearly three years of prosecution there appears to have been no mention of the regulations pursuant to 37 C.F.R. §1.10.)

A review of the record evidenced the following:

- On July 22, 2008, the Office received the instant application (U.S. Postal Service (USPS) Express Mail Label Receipt No. EV947396270US) from prior Counsel;

- On 12 August, 2008, the Office mailed to prior Counsel a filing receipt setting forth the filing date of 22 July, 2008, and a Notice to File Corrected Application Papers (replacement drawings);

- On 24 September, 2008, after prior Counsel submitted corrected drawings and addressed therewith no other issue, the Office mailed an updated filing receipt, again setting forth a filing date of 22 July, 2008;

- Petitioner filed a Revocation/Power of Attorney on 9 December 2009;

- Petitioner represents that he submitted on 30 December, 2009, a "Request for a Filing Receipt Correction," to which the Office failed to respond.

Thereafter, on 29 March, 2011, the Examiner mailed a Notice of Allowance/Allowability and Fees Due.

Petitioner appeared not to have returned to his "Request for a Filing Receipt Correction," until 28 June, 2011.

On 28 June, 2011, Petitioner filed papers now considered as the instant petition.

(It is noted that since deposit of the instant application and mailing of the original filing receipt, no petition expressly pursuant to the regulations at 37 C.F.R. §1.10 ever was filed herein.)

While the Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label (*see*: MPEP §513.), the regulations at 37 C.F.R. §1.10(d), expressly provide:

***

> (d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. (Emphasis supplied.)

***

Former Counsel failed to satisfy Item (1), above. Former Counsel appeared to have ignored the matter for some sixteen months.

As to Promptness

The application was deemed by the Office to have been deposited on 22 July, 2008. The Office mailed a filing receipt on 12 August, 2008, and an updated filing receipt on 24 September, 2008. Prior Counsel ignored the matter completely for some sixteen (16) months after the original filing receipt was mailed and for nearly fifteen (15) months after the replacement filing receipt was mailed.

A petition was not filed "promptly" in this matter.

The threshold issue as to a petition pursuant to the regulations at of 37 C.F.R. §1.10(d)(1) is timeliness.

Prior Counsel failed to address the matter.

The express requirements of 37 C.F.R. §1.10(d)(1) state that "petition is filed promptly ...." This prior Counsel did not do.

Thus, the showing at this writing is insufficient under the Rule as set forth above.

The petition is **dismissed**.

The application is released to the Office of Patent Application Processing (OPAP) for any processing necessary consistent with this decision.

Telephone inquiries related to the OPAP should be directed to their hotline at (571) 272-4100.

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[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).

/John. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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.
12/220,172	07/21/2008	Nathan E. Yanasak	24M15.1-100	5412

7590 05/31/2011

GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER	
SHRIVASTAV, BRIJ B	

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
05/31/2011	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

May 26, 2011

GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

Re Application of
YANASAK, NATHAN E. , ET AL. : **DECISION ON PETITION**
Application: **12/220172** : **ACCEPTANCE OF COLOR**
Filed: **07/21/2008** : **DRAWINGS**
Attorney Docket No: **24M15.1-100** :

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 21, 2008.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/220,175	07/22/2008	Takahrio Tokunaga	4041J-001494	6214

27572 7590 03/23/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
KOAGEL, JONATHAN BRYAN	
ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
TOKUNAGA, TAKAHRIO	:	DECISION ON REQUEST TO
Application No. 12/220,175	:	PARTICIPATE IN PATENT
Filed: July 22, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001494	:	PROGRAM AND PETITION
For: AIR CONDITIONING SYSTEM	:	MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 22, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Cheryl Tyler, SPE of Art Unit 3744, and 571-272-4834 for Class 62/426 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/220,176	07/22/2008	Takahiro Tokunaga	4041J-001493	6355

27572 7590 03/23/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
COMINGS, DANIEL C	
ART UNIT	PAPER NUMBER
3784	

MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
TOKUNAGA, TAKAHIRO	:	DECISION ON REQUEST TO
Application No. 12/220,176	:	PARTICIPATE IN PATENT
Filed: July 22, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001493	:	PROGRAM AND PETITION
For: AIR CONDITIONING SYSTEM	:	MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 22, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784 and 571-272-6681 for Class 62/426 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL L. PARKS
PARKS & ASSOCIATES, PLLC
3262 WESTHEIMER STREET, #116
HOUSTON, TX 77098

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert J. LeJeune	:	
Application No. 12/220,181	:	DECISION ON PETITION
Filed: July 22, 2008	:	
Attorney Docket No. 7105.04	:	

This is a decision on the petition, filed April 11, 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 of Allowance and Fee(s) Due (Notice) mailed December 7, 2009, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on March 30, 2011.

Petitioner asserts that the Notice of Allowance dated December 15, 2010, was not received since the Office mailed the Notice to an incorrect address. Petitioner also asserts that a new power of attorney and change of correspondence address was filed on November 16, 2010. Accordingly, petitioner request that the abandonment be withdrawn.

A review of the file record does in fact indicate an irregularity in the mailing of the Notice dated December 15, 2010. In this regard, the Office received a new power of attorney, including a change of correspondence address of on November 16, 2010, which was prior to the mailing of the Notice of Allowance and Fee(s) Due mailed on December 15, 2010. Office records were not updated to correctly reflect the change of correspondence address, per an attorney of record. Consequently, the Notice was mailed to an incorrect address.

In view of the above, the holding of abandonment is hereby withdrawn.

This application is being referred to the Office of Data Management for remailing of the Notice of December 15, 2010 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN LLP
20 CHURCH STREEET
22ND FLOOR
HARTFORD CT 06103

MAILED

JAN 30 2012

OFFICE OF PETITIONS

In re Application of :
Ilan Elias :
Application No. 12/220,191 : DECISION ON PETITION
Filed: July 22, 2008 : TO WITHDRAW
Attorney Docket No. ELS0001USD : 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 29, 2011.

The request is **APPROVED**.

The request was signed by Ilan Elias on behalf of the practitioners of record associated with Customer Number 23413.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Ilan Elias at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Ilan Elias
Dillenburgerstrassee 29A
Frankfurt AM MAIN 60439
Germany

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
12/220,191	07/22/2008	Ilan Elias	ELS0001USD

CONFIRMATION NO. 6228

POWER OF ATTORNEY NOTICE

23413
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

OC000000052270628

Date Mailed: 01/30/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/220,191	07/22/2008	Ilan Elias	ELS0001USD

CONFIRMATION NO. 6228

Ilan Elias
Dillenburgerstrassee 29A
Frankfurt, 60439
GERMANY

POA ACCEPTANCE LETTER

OC000000052270652

Date Mailed: 01/30/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/29/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE WA 98004

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of :
Stephen A. Rondel :
Application No. 12/220,202 :
Filed: July 21, 2008 :
Attorney Docket No. 1610-019-03 :

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 13, 2011.

The request is **NOT APPROVED.**

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 13, 2011is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative.

Currently, there is an outstanding Office action mailed June 22, 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 Olszewsli/
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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DARDI & HERBERT, PLLC
Moore Lake Plaza, Suite 205
1250 East Moore Lake Drive
Fridley MN 55432

MAILED

JAN 19 2012

OFFICE OF PETITIONS

In re Application of :
FRITZ et al. :
Application No. 12/220,319 : NOTICE
Filed: 07/23/2008 :
Attorney Docket No. 5036.01US01 :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 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 Technology Center Art Unit 3652 for examination in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DOWELL & DOWELL P.C.
103 ORONOCO ST.
SUITE 220
ALEXANDRIA, VA 22314

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of
Tanya Lisbet Szommer
Application No. 12/220,324
Filed: July 24, 2008
Attorney Docket No. 17167

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 20, 2010 the power of attorney to Dowell & Dowell P.C. was revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

The above-identified application issued as Patent No. 7,871,199 on January 18, 2011.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TANYA L. SZOMMER
5305 Switcurrent Trail
Mississauga ON L5R 2J3 CA CANADA

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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August 12, 2011

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of	:	
DE VLAMINCK, IWIJN et. al	:	**DECISION ON PETITION**
Application No. 12/220,346	:	
Filed: July 24, 2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 07-727-A	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 24, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WILEY HORTON
215 SOUTH MONROE STREET
2ND FLOOR
TALLAHASSEE, FL 32301

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
Steven Padilla :
Application No. 12/220,381 : DECISION ON PETITION
Filed: July 24, 2008 :
Attorney Docket No. 22278-23777 :

This is a decision on the petitions, filed May 10, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 7, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 7, 2011. Accordingly, the date of abandonment of this application is April 8, 2011.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

As to the petition under 37 CFR 1.181:

While it is noted that petitioner made an attempt to timely pay the required issue fee set in the Notice of Allowance and Issue Fee(s) Due mailed January 18, 2009, the issue fee transmittal submitted was not received in the Office until April 8, 2011 which is after the required statutory period for reply to the Notice. While it is noted that petitioner signed the certificate of mailing or transmission box on the Issue Fee Transmittal, however since the box was not dated prior to submission the certificate of mailing is considered to be improper and incomplete. *See* 37 CFR 1.8(b)(3) and MPEP § 512.

In view of the above the petition to withdraw the holding of abandonment cannot be granted at the present time.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is granted.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4100.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/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
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MAILED

JUN 24 2011

OFFICE OF PETITIONS

MICHAEL J. CHERSKOV
123 WEST MADISON STREET
SUITE 400
CHICAGO, IL 60602

In re Application of	:	
Robert ADAMS et al.	:	
Application No. 12/220,456	:	DECISION ON PETITION
Filed: July 23, 2008	:	
Attorney Docket No. 0363-02309	:	

This is a decision on the petition, filed December 20, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed February 18, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 24, 2010.

Petitioner asserts that the Office action dated February 18, 2010 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of February 18, 2010. In this regard, the Office received a power of attorney and change of address on November 27, 2009, prior to the mailing of the Office action of February 18, 2010. Office records were not updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed August 24, 2010 is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

This application is being referred to the Technology Center technical support staff of Art Unit 3723 for remailing the Office action of February 18, 2010 and resetting the period for reply.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN EUGENE SCHLUGE
5835 S 92 ST.
HALES CORNERS WI 53130

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of :
John Eugene Schluge :
Application No. 12/220,462 : DECISION ON PETITION
Filed: July 25, 2008 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 19, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

The application is being forwarded to Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/DCG/
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/220,465	07/24/2008	Dohun Pyeon	960296.00509	6944

7590 06/16/2011

QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O. BOX 2113
MADISON, WI 53701-2113

EXAMINER	
YAO, LEI	

ART UNIT	PAPER NUMBER
1642	

NOTIFICATION DATE	DELIVERY MODE
06/16/2011	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

June 14, 2011

QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O. BOX 2113
MADISON WI 53701-2113

In re Application of	:	
Pyeon, Dohun et, al	:	**DECISION ON PETITION**
Application No. 12/220/465	:	
Filed: 07/24/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 960296.00509	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 24, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BO-IN LIN
13445 MANDOLI DRIVE
LOS ALTOS HILLS CA 94022

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Fusao Ishii, et al.	:	
Application No. 12/220,501	:	DECISION ON PETITION
Filed: July 25, 2008	:	
Attorney Docket No. SQ-0714	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice Requiring Excess Claims Fees, mailed January 27, 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 February 28, 2010. The Notice of Abandonment was mailed February 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of excess claim fees, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2873 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
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.
12/220,506	07/25/2008	Herng-Er Horng	JCLA23940-CIP	7126

7590 05/04/2011

J C PATENTS
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER	
ROZANSKI, MICHAEL T	
ART UNIT	**PAPER NUMBER**
3768	
MAIL DATE	**DELIVERY MODE**
05/04/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 3, 2011

J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

Re Application of
HORNG, HERNG-ER, ET. AL : **DECISION ON PETITION**
Application: **12/220506** : **ACCEPTANCE OF COLOR**
Filed: **07/25/2008** : **DRAWINGS**
Attorney Docket No: **JCLA23940-CIP** :

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 25, 2008.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Patent No. 7,668,047 :
Issue Date: February 23, 2010 :
Application No. 12/220,518 : ON PETITION
Filed: July 25, 2008 :
Attorney Docket No. 44383.53 :

This is in response to the "PETITION UNDER 37 CFR 1.181 (NO FEE) FOR DUPLICATE LETTERS PATENT AND CORRECTION OF SAME BEFORE ISSUANCE THEREOF" filed November 22, 2011.

The petition is dismissed to the extent indicated herein.

Patentees assert that that the assignee's name is incorrect on the front page of the patent due to USPTO error. Patentees indicate that they identified the correct assignee name on Issue Fee Transmittal filed January 4, 2010. Patentees request that the Office correct the assignee's name on the front page of the patent from "Fairchild Industries, Inc." to -- Fairfield Industries, Inc. --. Additionally, patentees state that they did not receive the original Letters Patent. In support of a showing of non-receipt, patentees provided the Statement of Attorney Alan N. Herda. Mr. Herda states that a search of the application file jacket and mail log records indicates that the Letters Patent was not received. Mr. Herda included a copy of a print-out of the firm's mail log associated with the attorney docket number for the patent where the non-received Letters Patent would have been entered had it been received. Patentees request that the Office correct the assignee's name on the front page of this patent before issuing the duplicate Letters Patent.

With regards to the correction of the assignee's name, the Office notes that it is the practice of the USPTO to issue a Certificate of Correction to correct a mistake in a patent, incurred through the fault of the Office where the mistake is clearly disclosed in the Office records. See 37 CFR 1.322 and MPEP 1480.

Pursuant to 35 U.S.C. 254,

> Whenever a mistake in a patent, incurred through the fault of the Patent and Trademark Office, is clearly disclosed by the records of the Office, the Director may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents. A printed copy thereof shall be attached to each printed copy of the patent, and such certificate shall be considered as part of the original patent. Every such patent, together with such certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form. The Director may issue a corrected patent without charge in lieu of and with like effect as a certificate of correction.

As indicated above, the desired correction of the assignee's name can be effectuated by way of a Certificate of Correction. Therefore, patentees are advised to file a request for a Certificate of Correction with the Certificate of Correction Branch. The request should be signed by the attorney of record and include a statement of facts and documentary evidence in support of the requested correction. Additionally, patentees must submit a completed Certificate of Correction Form (PTO/SB/44), identifying the location of error by field number, column and line number. A copy of Form PTO/SB/44 is enclosed for patentees' convenience. No fee is required to correct errors made by the Office. The request for the Certificate of Correction should be mailed to:

> Commissioner for Patents
> Office of Data Management Attention: Certificates of Correction Branch
> P.O. Box 1450
> Alexandria, VA 22313-1450

The issuance of the Certificate of Correction will be handled by the Certificate of Corrections Branch and no further consideration of this matter is necessary by the Office of Petitions. For more information regarding the issuance of the Certificate of Correction, please contact the Certificates of Correction Branch at (703) 756-1814.

With regards to the request for duplicate Letters Patent due to non-receipt of the original Letters Patent, this matter is correctly before the Office of Petitions. The Office follows the guidelines set forth in MPEP 711.03(c)(I)(A) (Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the original Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to the address of record. This presumption may be overcome by a showing that the original Letters Patent was not in fact received.

After reviewing the evidence submitted on petition, the Office concludes that the showing of record is insufficient at this time to establish non-receipt of the original Letters Patent. In accordance with MPEP 711.03(c)(I)(A), a copy of the practitioner's record(s) required to show

non-receipt of the original Letters Patent should include the master docket for the firm. In this instance, the practitioner did not submit a copy of the master docket showing all Office communications received during the relevant period as documentary proof of non-receipt of the original Letters Patent. Rather, the practitioner submitted a mail log associated only with the attorney docket number for this patent. If no such master docket exists, the practitioner should state such and provide other evidence such as, but not limited to the application file jacket, incoming mail log, or the individual docket record for the patent in question.

Any request for reconsideration of this decision as it relates to the issuance of duplicate Letters Patent must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Request for Duplicate Letters Patent Under 37 CFR 1.181" and be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MITSUBISHI ELECTRIC RESEARCH LABORATORIES INC
201 BROADWAY
8TH FLOOR
CAMBRIDGE MA 02139

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Tao, et al. :
Application No. 12/220,554 : ON PETITION
Filed: September 5, 2008 :
Attorney Docket No. MERL-2056 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 1, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file pay the issue fee in response to the Notice of Allowance mailed December 16, 2009. This Notice set a statutory period for reply of three (3) months. Applicant filed the issue fee transmittal form, together with a credit card payment form, on March 15, 2010. Office records indicate that an attempt was made to charge the issue fee on March 16, 2010, but that the credit card was denied. As such, the application became abandoned on March 17, 2010. The Office mailed a Notice of Abandonment on April 1, 2010. Applicants filed a petition to withdraw the holding of abandonment and a petition to revive under 37 CFR 1.137(a) on April 6, 2010. However, the petitions were dismissed in a decision mailed on June 14, 2010.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of the issue fee was previously filed on April 6, 2010.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning 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

CHRISTOPHER J SCOTT
724 SOUTH STREET
W DUNDEE IL 60118

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Tao, et al.	:	CORRECTED DECISION
Application No. 12/220,554	:	ON PETITION
Filed: September 5, 2008	:	
Attorney Docket No. MERL-2056	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 1, 2010. A decision was mailed to the incorrect address on September 13, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file pay the issue fee in response to the Notice of Allowance mailed December 16, 2009. This Notice set a statutory period for reply of three (3) months. Applicant filed the issue fee transmittal form, together with a credit card payment form, on March 15, 2010. Office records indicate that an attempt was made to charge the issue fee on March 16, 2010, but that the credit card was denied. As such, the application became abandoned on March 17, 2010. The Office mailed a Notice of Abandonment on April 1, 2010. Applicants filed a petition to withdraw the holding of abandonment and a petition to revive under 37 CFR 1.137(a) on April 6, 2010. However, the petitions were dismissed in a decision mailed on June 14, 2010.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of the issue fee was previously filed on April 6, 2010.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning 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

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P.O. Box 1450
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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
Stefano Malnati :
Application No. 12/220,572 : ON PETITION
Filed: July 25, 2008 :
Attorney Docket No. DC.1038R :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed December 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 3, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1), and (3).

With respect to item 1:

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the outstanding Office action mailed December 2, 2008. While it is noted that petitioner did file the required oath/declaration, the petitioned failed to filed new or corrected drawings as required by the Notice. Petitioner should also note that the drawings must be incompliance with 37 CFR 1.84(d). A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received.

37 CFR 1.84(d) states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "**Replacement Sheet**". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

With respect to item 3:

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.37(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated December 2, 2008.

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
12/220,572	07/25/2008	Stefano Malnati	DC.1038R

CONFIRMATION NO. 7496

FORMALITIES LETTER

41698
ST. GEORGE & CARNEGIE
5405 ALTON PARKWAY, SUITE 5A, PMB 540
IRVINE, CA 92604

OC00000003336721 4

Date Mailed: 12/02/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2-5 and 9B.
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 1.
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 7 and 8 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity
- **$65** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/zabraha/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of :
Stefano Malnati :
Application No. 12/220,572 : DECISION ON PETITION
Filed: July 25, 2008 :
Attorney Docket No. DC.1038R :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed December 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received September 16, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK ALLISON BAUMAN
1910 SUNFLOWER COURT
COLLEGE PLACE WA 99324

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of Gilevich et al. :
Application No. 12/220,574 : Decision on Petition
Filing Date: July 24, 2008 :
Attorney Docket No. INX-110 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 15, 2010, to revive the above-identified application.

The petition is **granted**.

On October 9, 2009, the Office mailed a non-final Office action, which set a shortened statutory period for reply of three (3) months.

An amendment was filed March 10, 2010. However, the amendment was not accompanied by payment for an extension of time or a general authorization to charge necessary fees to a deposit account.

Since an extension of time was not obtained, the application became abandoned on January 10, 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 non-final Office action in the form of the amendment filed March 10, 2010. Petitioner has submitted the required petition fee of $810. 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.

Technology Center Art Unit 2882 will be informed of the instant decision and the application, including the amendment filed March 10, 2010, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE NW, SUITE 400
WASHINGTON, DC 20036

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of :
Ronald S. PARASMO, et *al.* :
Application No. 12/220,621 : DECISION ON PETITION
Filed: July 25, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **030891.00111** :

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, February 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 5, 2010.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3736 for appropriate action by the Examiner in the normal course of business on the reply received August 16, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JEFFREY H. RODDY
525 ROYAL CREST DRIVE
RICHARDSON TX 75081

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of
Rhonda Lorene Beale
Application No. 12/220,646
Filed: July 25, 2008
Attorney Docket No. RB0001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2011 to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

With respect to item (1) petitioner has submitted a check in the amount of $810.00 towards the required petition fee of $930.00 thus creating a $120.00 shortage. Additionally, it should be noted that the new fee schedule became effective September 26, 2011.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JEFFREY H. RODDY
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RICHARDSON TX 75081

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of
Rhonda Lorene Beale
Application No. 12/220,646
Filed: July 25, 2008
Attorney Docket No. RB0001

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 8, 2011, as required by the Notice of Allowance and Fee(s) Due mailed June 8, 2011. Accordingly, the date of abandonment of this application is September 9, 2011. A Notice of Abandonment was mailed September 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 (submitted September 6, 2011) and the publication fee of $300.00 (submitted October 1, 2011), (2) the petition fee of $930.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Bologa et al. :
Application No. 12/220,666 : DECISION ON PETITION
Filed: July 28, 2008 :
Attorney Docket No. K 234 :

This is a decision on the petition filed April 22, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the non final Office action of June 29, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 29, 2010.

Petitioner asserts that a timely reply was mailed via certificate of mailing on August 12, 2010, which included the following papers: an Amendment. To support this assertion the petitioner has submitted a copy of the previously mailed correspondence that bears an Express Mail label no. EH028238055US as well as a certificate of mailing date of August 12, 2010.

A review of the file record indicates that an incorrect application number was specified on the response submitted on August 12, 2010. However, a response that is filed with an incorrect application number is handled in accordance with MPEP 508.03. MPEP 508.03 states: if a paper having an incorrect application number contains sufficient information to identify the correct application and it was timely filed, the holding of abandonment will be withdrawn.

In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the correct application. The response filed August 12, 2010, using a certificate of mailing under 37 CFR 1.8 as well as Express Mail will be removed from the incorrect Imaged File Wrapper (IFW). Accordingly, it is concluded that the response was timely received in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn, and the application restored to pending status.

This application is being referred to Technology Center AU 2835 for appropriate action in the normal course of business on the reply received August 12, 2010, via certificate of mailing date.

/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
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Joaquin Romay	:	
Application No. 12/220,701	:	DECISION ON PETITION
Filed: July 2, 2008	:	
Attorney Docket No. 116577-001REI	:	

This is a decision on the petition styled under 37 CFR 1.47(b), filed on March 21, 2011, which is being treated as a petition seeking waiver of 37 CFR §§ 1.67 1.172, and 1.175 where they require that a supplemental declaration be executed by a named inventor.[1]

The petition is **GRANTED.**

REVIEW OF FACTS

1. On July 2, 2008, the application was filed as a reissue of U.S. Patent No. 7,069,600.

2. On July 2008, a reissue oath or declaration by the assignee was filed.

3. On November 19, 2010, a final Office action was mailed, requiring, *inter alia*, a new reissue declaration.

4. On March 21, 2011, the subject petition was filed, accompanied by an amendment, extension of time, change of address and a supplemental reissue declaration. Petitioner state, via the declaration of Jason Battenfield, that the reissue declaration and application was sent to the last

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

known address of the non-signing inventor, but that the inventor was refusing to sign the declaration. No signed declaration has been received from the inventor.

DECISION ON PETITION UNDER 37 CFR 1.183 TO WAIVE §§ 1.67 AND 1.175

In view of the efforts recounted in the petition to locate and obtain the signature of Joaquin Romay, on the supplemental declaration in compliance with 37 CFR 1.175, it is agreed that justice would served by waiving the requirement for the signature of the sole inventor Joaquin Romay on the supplemental declaration filed on March 21, 2011.

CONCLUSION

1. The petition is **granted**.

2. The petition fee of $400.00 required by §§ 1.17(f) has been charged to petitioner's deposit account as authorization was provided.

3. The application is being referred to Technology Center AU 3765 for further processing.

4. Telephone inquiries related to this decision only should be directed to Karen Creasy at (571) 2272-3208.

5. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-3282.

/dab/
David Bucci
Senior Petitions Examiner
Office of the Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

JUL 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Joaquin Romay	:	DECISION GRANTING STATUS
Application No. 12/220,701	:	UNDER 37 CFR 1.47(b)
Filed: July 2, 2008	:	
Attorney Docket No. 116577-001REI	:	

This is in response to the petition under 37 CFR 1.47(b), filed March 21, 2011.

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(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received March 31, 2011.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/220,750	07/28/2008	Todd Crawford	WSI-013-3	8090

7590 10/14/2010

Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown, PA 18901

EXAMINER	
KIM, EUNHEE	

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES 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 13, 2010

Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown PA 18901

In re Application of :
Todd Crawford, et al : **DECISION ON PETITION**
Application No. 12220750 :
Filed: 07/28/2008 : ***ACCEPTANCE OF COLOR***
Attorney Docket No. **WSI-013-3** : ***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 28, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/220,805	07/29/2008	Tod L. Schneider	KENT-42164US1	8093

116 7590 01/10/2012

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER	
NGUYEN, JIMMY H	
ART UNIT	PAPER NUMBER
2629	
MAIL DATE	DELIVERY MODE
01/10/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 10, 2012

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of :
SCHNEIDER, TOD L., **et al.** : **DECISION ON PETITION**
Application No: **12/220805** :
Filed: **07/29/2008**
Attorney Docket No: **KENT-42164US1**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 29 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

UNITED STATES 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 30, 2012

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

Re Application of
SCHNEIDER, TOD L., ET Al
Application: **12/220805**
Filed: **07/29/2008**
Attorney Docket No: **KENT-42164US1**

: 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) January 26,12.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/220,815	07/28/2008	Dan Vacar	SUN08-0414	8091

7590 01/11/2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER	
KUNDU, SUJOY K	

ART UNIT	PAPER NUMBER
2863	

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
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Application of	:	**DECISION ON PETITION**
VACAR, DAN, ET AL	:	
Application No.**12/220815**	:	**ACCEPTANCE OF COLOR**
Filed: **07/28/2008**	:	**DRAWINGS**
Attorney Docket No: **SUN08-0414**	:	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 28, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of :
Min Hyoung Lee et al :
Application No. 12/220,884 : DECISION GRANTING PETITION
Filed: July 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. YPF200802-0079/US(SAMS07 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 on April 5, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 22 2010

OFFICE OF PETITIONS

EMERY L. TRACY
P.O. BOX 1518
BOULDER, CO 80306

In re Application of	:	
Bolta et al.	:	DECISION ON PETITION
Application No. 12/220,892	:	TO WITHDRAW
Filed: July 29, 2008	:	FROM RECORD
Attorney Docket No. B012.PAT-15	:	

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 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 Registration Number however the request does not indicate a Registration Number. In view of the above, the current request cannot be approved.

Further, 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 current request still does not set forth the following certifications: (2) above. Accordingly, any subsequent requests must include all of the above listed certifications pursuant to 37 CFR 10.40., and 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 are no outstanding Office actions that require 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeffrey Dale Ellenbecker
1417 Madison Street
Waukesha WI 53188

MAILED

MAY 06 2011

OFFICE OF PETITIONS

In re Application of :
Ellenbecker :
Application No. 12/220,972 : ON PETITION
Filed: July 30, 2008 :
Attorney Docket No. EllenbeckerJD :
For: FLUID FLUSH DEVICE WITH
OPTIONAL TELESCOPIC WAND

This is a decision on the correspondence, filed January 21, 2011, which is being treated as a constructive petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any further reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the September 15, 2010 non-final Office action, which set an extendable three month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on December 16, 2010. A Notice of Abandonment was mailed on April 20, 2011.

Petitioner alleges that the September 16, 2010 non-final Office action was received on December 27, 2010, which is after the expiration of the three month period for reply set in the September 16, 2010 non-final Office action. Petitioner provided a copy of the envelope in which the September 15, 2010 non-final Office action was mailed with the present petition.

Unfortunately, the postmark on the copy of the envelope in which the September 15, 2010 non-final Office action was mailed is ***illegible***. Petitioner has not provided adequate evidence to warrant withdrawal of the holding of abandonment and the re-mailing of the September 15, 2010 non-final Office action. Therefore, the petition is dismissed.

Please submit another copy of the front of the envelope in which the September 15, 2010 non-final Office action was mailed.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
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

Jeffrey Dale Ellenbecker
1417 Madison Street
Waukesha WI 53188

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
Ellenbecker :
Application No. 12/220,972 :
Filed: July 30, 2008 :
Attorney Docket No. EllenbeckerJD :
For: FLUID FLUSH DEVICE WITH OPTIONAL TELESCOPIC WAND

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 13, 2011, which will be treated as a renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.137(a) was not accompanied by the $270.00 petition fee as set forth in 37 CFR 1.17(l). For future reference, the payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(a). This requirement cannot be waived. MPEP 711.03(c)(III)(B). The merits of a revival petition will not be reached absent the submission of the petition fee.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

The renewed petition under 37 CFR 1.181 is **GRANTED**.

Any further reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the September 15, 2010 non-final Office action, which set an extendable three month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on December 16, 2010. A Notice of Abandonment was mailed on April 20, 2011.

Petitioner alleges that the September 16, 2010 non-final Office action was received after December 27, 2010, which is after the expiration of the three month period for reply set in the September 16, 2010 non-final Office action. Petitioner provided a copy of the envelope in which the September 15, 2010 non-final Office action was mailed with the present petition.

The postmark on the copy of the envelope in which the September 15, 2010 non-final Office action was mailed is DEC 27 2010. It is apparent that there was an irregularity with the mailing of the non-final Office action dated September 15, 2010. As the Office action was mailed ***after*** the expiration of the three month period set for reply, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3752 for re-mailing the non-final Office action of September 15, 2010. The period for reply will run from the mailing date of the Office action.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:164320110620

DATE : June 15, 2011

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7927834

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642

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.
12/221,039	07/30/2008	Frank H. Boehm JR.	MSDI-965/P27589.04	9321

52196 7590 07/15/2011

Medtronic, Inc (Spinal/Krieg DeVault)
710 Medtronic Parkway
Attn: Legal Patents MS: LC 340
Minneapolis, MN 55432-5604

EXAMINER	
SEVILLA, CHRISTIAN ANTHONY	
ART UNIT	**PAPER NUMBER**
3775	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	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):

rs.docketingspinal@medtronic.com
medtronic_spinal_docketing@cardinal-ip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Medtronic, Inc (Spinal/Krieg DeVault)
710 Medtronic Parkway
Attn: Legal Patents MS: LC 340
Minneapolis MN 55432-5604

In re Application of:
BOEHM, FRANK H. JR. et al
Serial No. 12/221,039
Filed: July 30, 2008
Docket: MSDI-965/P27589.04
Title: DEVICE AND METHOD FOR LUMBAR INTERBODY FUSION

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed May 2, 2011 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed March 21, 2011.

The petition is granted.

It is noted that the record does show that in the amendment filed on January 3, 2011, the applicant did not amend at least claim 21. There was no change in scope of at least claim 21. Therefore, the rejection of claims was not necessitated by the amendment filed on January 3, 2011.

As such, the finality of the Office action issued on March 21, 2011 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on March 21, 2011 will be designated as non-final Office action. The period to respond to the Office action of March 21, 2011 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment. In finding petitioner's points of argument persuasive, the requested relief is granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3775 awaiting the applicant's response. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,056	07/29/2008	Yuuki Mukoubara	4041J-001497	9284

27572 7590 09/15/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
FORD, JOHN K	

ART UNIT	PAPER NUMBER
3784	

MAIL DATE	DELIVERY MODE
09/15/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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	:	
MUKOUBARA, YUUKI, et al.	:	DECISION ON REQUEST TO
Application No. 12/221,056	:	PARTICIPATE IN PATENT
Filed: July 29, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. **4041J-001497**	:	PROGRAM AND PETITION
For: EXHAUST HEAT RECOVERY	:	TO MAKE SPECIAL UNDER
APPARATUS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 31, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3784, and 571-272-4764 for Class 600 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/21/2011

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/221081 Patent No.: 7954439B2

CofC mailroom date: 7/7/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/Peter M. Poon/ 3643

3643

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.
12/221,096	07/31/2008	Cherng-Ju Kim	110.033US1	9952

66981 7590 08/20/2010

HUGH MCTAVISH
MCTAVISH PATENT FIRM
429 BIRCHWOOD COURTS
BIRCHWOOD, MN 55110

EXAMINER	
WAX, ROBERT A	

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
08/20/2010	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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United States Patent and Trademark Office
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HUGH MCTAVISH
MCTAVISH PATENT FIRM
429 BIRCHWOOD COURTS
BIRCHWOOD MN 55110

AUG 2 0 2010

In re Application of	:	
KIM, CHERNG-JU	:	DECISION ON REQUEST TO
Application No. 12/221,096	:	PARTICIPATE IN PCT-PATENT
Filed: July 31, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 110.033US1	:	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 June 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH program and petition to make special 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

THOMAS G. FERENCE
38 THASHA LANE
C-6
ESSEX JUNCTION, VT 05452

MAILED
JUN 27 2011
OFFICE OF PETITIONS

In re Application of Stanhope :
Application No. 12/221,104 : Decision on Petition
Filing Date: July 31, 2008 :
Attorney Docket No. STANH-NON-02 :

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**.

Background

The Office mailed a final Office action on October 6, 2010.

An amendment was filed December 6, 2010, which was within 2 months of the mailing date of the final Office action.

The Office mailed an Advisory Action on April 6, 2011.

The shortened statutory period for reply expired on April 6, 2011. As a result, the application became abandoned on April 7, 2011.

The following items were filed May 5, 2011:

1. A request for continued examination ("RCE"),
2. An amendment,
3. Payment of $405 for the RCE, and
4. Payment of $65 for a one-month extension of time.

The Office mailed a Notice of Abandonment on May 23, 2011.

A petition under 37 CFR 1.137(b) and a copy of the RCE and amendment filed May 5, 2011, were filed June 1, 2011.

Discussion

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 (1) a reply in the form of the RCE and amendment on May 5, 2011, (2) the required petition fee of $810, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

Petitioner submitted $65 on May 5, 2011, for a one-month extension of time. The payment was submitted after the application became abandoned, and a payment for an extension of time is unnecessary when reviving an application. Therefore, the Office has credited the $65 back to the credit card used to pay the fee.

Technology Center Art Unit 3635 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

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 R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010

MAILED

DEC 2 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,843,714 :
Issue Date: November 30, 2010 :
Application No. 12/221,125 : NOTICE
Filed: July 31, 2008 :
Attorney Docket No. VWWH-40103 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on August 26, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This 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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 04 2011

OFFICE OF PETITIONS

TREX ENTERPRISES CORP.
10455 PACIFIC COURT
SAN DIEGO CA 92121

In re Application of :
Ervin, et al. : DECISION ON PETITION
Application No. 12/221,129 :
Filed: July 30, 2008 :
Atty. Dkt. No.: 847 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 28, 2011.

The petition is **GRANTED**.

The application became abandoned November 7, 2010 for failure to timely submit a proper reply to the non-final Office action mailed August 6, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed March 3, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 1641 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARL J CONFORTI
PO BOX 6315
FALL RIVER MA 02724

In re Application of
CONFORTI, CARL J. :
Application No.: 12/221,142 :
Filing or 371(c) Date: July 31, 2008 :
Attorney Docket Number: 003/008R1 :

AUG 31 2011
DECISION ON
PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on July 19, 2011.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file formal drawings as required in the Notice of Allowability, mailed March 18, 2011.

Petitioner has submitted thirteen (13) sheets of drawings, and the returned postcard, which acknowledges receipt of the afore-mentioned items on April 27, 2011, as evidenced by the "Office Date" stamp receipt thereon.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

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

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.
12/221,297	07/31/2008	Sanford D. Markowitz	CWRU-P02-008	1423

28120 7590 10/19/2011

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON, MA 02199-3600

EXAMINER	
CHUNDURU, SURYAPRABHA	
ART UNIT	PAPER NUMBER
1637	

NOTIFICATION DATE	DELIVERY MODE
10/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatentMail@ropesgray.com
USPatentMail2@ropesgray.com

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCT 19 2011

Jesse A. Fecker
ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of	:
Markowitz et al	:Decision on Petition
Serial No.: 12/221,297	:
Filed : 31 July 2008	:
Attorney Docket No.: CWRU-PO2-008	:

This letter is in response to the Petition filed on 29 June 2011 under 37 C.F.R. 1.144 requesting reconsideration of the restriction requirement mailed 22 December 2009.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice of MPEP Chapter 800.

On 22 December 2009, the examiner set forth a restriction requirement which divided claims 35-59 into 2 groups and required a further election of SEQ ID No 2-43.

On 22 January 2010, applicants elected Group I and SEQ ID No 22, with traverse.

On 13 April 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 35, 37-46, 48-53 and 56-58 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 36, 47, 54, 55 and 59 were rejected under 35 U.S.C. 112, 1st for failing to comply with the written description requirement. Claims 36, 47, 54, 55 and 59 were rejected under 35 U.S.C. 102(e) as being anticipated by Olek et al.

On 13 October 2010, applicants filed a response to the Office action.

On 29 December 2010, the examiner mailed to applicants a final Office action in which Claims 35, 37-46, 48-53 and 56-58 were withdrawn from consideration. Claims 36, 47, 54, 55 and 59 were rejected under 35 U.S.C. 112, 1st for failing to comply with the written description requirement. Claims 36, 47, 54, 55 and 59 were rejected under 35 U.S.C. 102(e) as being anticipated by Olek et al.

On 29 June 2011, applicants filed a response, and a request for continued examination along with this petition.

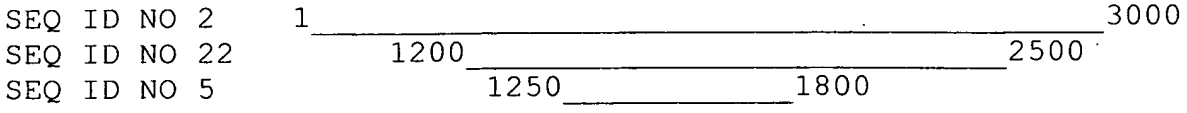
DISCUSSION

The file history and petition have been considered carefully.

First, the petition requests that Group II, directed to a process, be examined with Group I. This is not persuasive. The examiner has provided rationale that the product may be used for a materially different method than the process (such as labeling assays or nucleic acid purification. Moreover, the examiner has shown different classification between the product and process. For these reasons, this restriction requirement is warranted.

Second, applications request that according to MPEP 803.04, normally ten sequences constitute a reasonable number for examination purposes. This is not persuasive. Applicant's reliance upon MPEP 803.04 is mis-placed. On 27 March 2007, the Office rescinded the 1996 OG Notice that provided for a partial waiver of the requirements for restriction practice by permitting examination of a reasonable number, up to ten, independent and distinct polynucleotide molecules in a single 35 USC 111(a) or 35 USC 371 application (see 1192 Off. Gaz. Pat. Office 68, No. 19, 1996). This second OG Notice also rescinded the guidance in MPEP 803.04. For national applications filed under 35 USC 111(a), polynucleotide molecules are now subject to the standards for requiring a restriction or a provisional election of species set forth in MPEP Chapter 800 (except for 803.04 which is superseded by this Notice). Polynucleotide molecules should be considered for independence, relatedness, distinction and burden as for any other type of molecule.

Next, applicants point out that SEQ ID No 22 spans base positions 1200-2500 of SEQ ID NO 2 and SEQ ID No 5 corresponds to positions 1250-1800 of SEQ ID No 2. The schematic below illustrates how SEQ ID NOs 5, 22 and 2 are nested sequences and restriction therebetween is unwarranted. Elected sequence SEQ ID No 22 will be examined along with SEQ ID NO 2 and SEQ ID NO 5.



Next, it is noted that SEQ ID Nos 4-8 are all directed to same region (residues 1250-1800) as SEQ ID NO 2, only varying in degree of chemical modification or complementary strand. Due the sequence alignment, restriction between SEQ ID NOs 4-8 is unwarranted.

2	5' genomic sequence of human HLTF gene, residues 1-3000.

4	5' genomic sequence of human HLTF gene, residues 1250-1800.
5	methylated SEQ ID NO: 4, after bisulfite conversion.
6	unmethylated SEQ ID NO: 4, after bisulfite conversion.
7	complementary strand of SEQ ID NO: 5.
8	complementary strand of SEQ ID NO: 6.

Similarly, SEQ ID Nos 21-25 are all directed to the same region (residues 1200-2500) as SEQ ID NO 2, only varying in degree of chemical modification or complementary strand. Due to this sequence alignement, restriciton between SEQ ID NOs 21-25 is unwarranted.

21	5' genomic sequence of human HLTF gene, residues 1200-2500, sense strand.	Figure 21.
22	methylated SEQ ID NO: 21, after bisulfite conversion.	Figure 22.
23	unmethylated SEQ ID NO: 21, after bisulfite conversion.	Figure 23.
24	methylated antisense-strand of SEQ ID NO: 21, after bisulfite conversion.	Figure 24.
25	unmethylated antisense-strand of SEQ ID NO: 21, after bisulfite conversion.	Figure 25.

The petition next points out that the examiner has restricted between alternatives of a Markush claim. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive.

Further, it is noted that on 9 February 2011, the Office issued A Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct

species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement between the remaining embodiments of the Markush claims is unwarranted and is hereby replaced with a provisional election of species requirement.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 29 June 2011 is **GRANTED-IN-PART** follows.

The restriction requirement between the product of Group I and the process of Group II is maintained.

The intra-claim restriction required between SEQ ID Nos 2, 4-8 and 21-25 has been withdrawn.

The intra-claim restriction required between the other sequences and now rejoined SEQ ID Nos 2, 4-8 and 21-25 has been withdrawn and replaced with an election of species requirement.

The application will be forwarded to the examiner to consideration of the papers filed 29 June 2011 prepare an Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in the FR Notice of February 2011. Should all claims to the elected product become allowable, the examiner will consider the non-elected claims for rejoinder according to MEP 821.04(a) and (b).

Any requests for reconsideration under 37 CFR 1.181 should be filed within TWO Months of the mailing of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Jackie Stone
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,312	07/31/2008	Jeremy Pickens	CQ10411	1291

7590 10/27/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
PERKEY, WILLIAM B	
ART UNIT	**PAPER NUMBER**
2862	
NOTIFICATION DATE	**DELIVERY MODE**
10/27/2010	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)

UNITED STATES 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 25, 2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Jeremy Pickens, et al	:	**DECISION ON PETITION**
Application No. 12221312	:	
Filed: 07/31/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **CQ10411**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 31, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/221,325	08/01/2008	Donald G. Payan	RIGL-041	1295

7590 12/01/2010

Rigel Pharmaceuticals, Inc.
Bozicevic, Field & Francis LLP
1900 University Ave, Suite 200
East Palo Alto, CA 94303

EXAMINER	
BOESEN, CHRISTIAN C	

ART UNIT	PAPER NUMBER
1639	

MAIL DATE	DELIVERY MODE
12/01/2010	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 30, 2010

Rigel Pharmaceuticals, Inc.
Bozicevic, Field & Francis LLP
1900 University Ave, Suite 200
East Palo Alto CA 94303

In re Application of	:	**DECISION ON PETITION**
PAYAN, DONALD G, et al.	:	
Application No. **12/221325**	:	***ACCEPTANCE OF COLOR***
Filed: **08/01/2008**	:	***DRAWINGS***
Attorney Docket No: **RIGL-041**	:	

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 1, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED
JAN 27 2012
OFFICE OF PETITIONS

JAMES L. JACKSON
James L. Jackson, P.C.
10723 Sugar Hill Dr.
Houston TX 77042

In re Application of	:	
Walpole et al.	:	
Application No. 12/221326	:	DECISION
Filing or 371(c) Date: 08/01/2008	:	ON PETITION
Attorney Docket Number: GCC003	:	

This is a decision on the "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b), filed December 12, 2011, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 10, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on August 11, 2011.
Applicant files the instant petition and amendment in response to the Notice.

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph 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 fee

As to item (2), Applicant is advised that before the merits of Applicant's petition may be considered, the petition fee must be submitted. The fee for a petition to revive an application based upon an unintentionally delayed response to an Office communication increased to $930.00 for a small entity, effective September 26, 2011. Applicant must submit the balance of the petition fee, $120.00, before the petition may be considered.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JAMES L. JACKSON
James L. Jackson, P.C.
10723 Sugar Hill Dr.
Houston TX 77042

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Walpole et al. :
Application No. 12/221326 : DECISION
Filing or 371(c) Date: 08/01/2008 : ON PETITION
Attorney Docket Number: GCC003 :

This is a decision on the renewed Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b), filed February 13, 2012, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 10, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on August 11, 2011.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (filed December 12, 2011); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 3679 for processing of the Amendment/reply filed December 12, 2011in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO OR 97124

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael M. Ghadaksaz	:	
Application No. 12/221,451	:	DECISION ON PETITION
Filed: August 1, 2008	:	
Attorney Docket No. AES.P001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 9, 2008. The Notice of Abandonment was mailed May 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $165 basic filing fee, the $65 surcharge, a substitute declaration, the $110 examination fee and the $270 search fee, (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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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STEVEN R. SCOTT
183 E. MAIN STREET, SUITE 1323
ROCHESTER NY 14604

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Vladislav Kasha	:	
Application No. 12/221,464	:	DECISION ON PETITION
Filed: August 1, 2008	:	
Attorney Docket No. RMEL.6US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 15, 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 above-identified application became abandoned on March 16, 2009. A Notice of Abandonment was mailed on September 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the $130.00 Surcharge fee, the $330.00 Basic filing fee, the $540.00 Search fee, and the $220.00 Examination fee; (2) the petition fee of $1,620.00 (previously paid January 14, 2010), and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Further, although the petition is signed by a registered patent agent it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent agent must contain his/her registration number. However, the accompanying document does include the

signature and registration number for Steven R. Scott. Therefore, the petition is accepted as being properly signed.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Steven R. Scott
Shlesinger & Fitzsimmons
171 St. James Drive
Webster, NY 14580

UNITED STATES PATENT AND TRADEMARK OFFICE

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RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO OR 97124

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Michael M. Ghadaksaz :
Application No. 12/221,466 : DECISION ON PETITION
Filed: August 1, 2008 :
Attorney Docket No. AES.P002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 20, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 21, 2008. A Notice of Abandonment was mailed on April 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the $130.00 Surcharge fee, the $165.00 Basic filing fee, the $270.00 Search fee, and the $110.00 Examination fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions